



The Law Society of
Upper Canada

Barreau
du Haut-Canada

Annual Report Performance Highlights

2011





Kenora

Districts of Kenora and Rainy River
Law Associations' Spring Meeting



Thunder Bay

Bencher Election Information Session

Making connections

It has been delightful to meet with lawyers and paralegals in all parts of this province, from Cornwall to Sarnia, to Kenora and Gananoque. I was honoured by the warm reception I received everywhere I went. And by speaking with and listening to each of you, I learned a great deal. I learned how deeply we care about the law, the future of the profession and our clients.

—Laurie H. Pawlitzka, Treasurer

36,000 km travelled in Ontario

45,000 km travelled across Canada

100,000 km travelled around the globe

Performance Highlights

Contents

Treasurer's Message: Making connections	2
Chief Executive Officer's Message: Going forward—Building on our strengths	4
Membership data	7
Mandate	9
Policy Secretariat: Policies to advance our mandate	10
Public Affairs: Building relationships with our stakeholders	12
Professional Development and Competence: Assuring competence and quality	13
Client Service Centre: Focus on continuous improvement	18
Professional Regulation: Regulating in the public interest	20
Equity Initiatives: Promoting equity and diversity	26
Communications: Getting the message out strategically	30
Information Systems: New technologies to drive service improvements	32
Human Resources: Fostering a culture of leadership and excellence	33
Finance: Managing our financial resources	34
Committee Chairs	37
Paralegal Standing Committee	37
Convocation Membership	38
Senior Management	40

Making connections

It has been delightful to meet with lawyers and paralegals in all parts of this province, from Cornwall to Sarnia, to Kenora and Gananoque. I was honoured by the warm reception I received everywhere I went.

As Treasurer, I have only two chances to write the opening message in the Annual Report. The first came early in my two-year term, after less than a year in the position. The last opportunity comes as the end of my term is almost upon me. The 2011 Annual Report covers the heart of my time as Treasurer, one that has passed with unbelievable speed — perhaps because the past year was so very busy.

In 2011, we marked the implementation of continuing professional development and governance reform. We held a bencher election and welcomed 14 new benchers to our Convocation. We struck the Articling Task Force, in which I've participated, both in its day-to-day work and in the province-wide consultations. We made access to justice in family law a priority. And we are considering the next steps in regulating paralegals.

Our new benchers have hit their stride as they grapple with our many competing challenges. They will be well served by an excellent and competent staff. Of course, they have inherited an organization that has benefitted tremendously from the leadership of Malcolm Heins, who left in early 2012 after 11 years as Chief Executive Officer.

We are looking forward to working with Robert Lapper, our new CEO, who joins us from his post as Deputy Minister of Labour in British Columbia.

Much of my time in 2011 was spent travelling throughout the province, meeting with lawyers, paralegals, the judiciary, law students and the public. I spoke often about the greying of the bar, the changing nature of the practice of law, access to justice — especially in family law — and articling and skills training.

It has been delightful to meet with lawyers and paralegals in all parts of this province, from Cornwall to Sarnia, to Kenora and Gananoque. I was honoured by the warm reception I received everywhere I went. I discovered that the best speeches were the shortest ones, because there is more time for questions and



Laurie H. Pawlitzka, Treasurer

one-on-one discussion. And by speaking with and listening to each of you, I learned a great deal. I learned how deeply we care about the law, the future of the profession and our clients.

We certainly don't all think alike. We don't agree, for example, on how the Law Society should approach articling. And while we do agree that much work is needed on access to justice, there are many different views on the course we should take. While the problem of the greying of the bar is clear to all, the way to resolve it is not.

Articling, access to justice and the greying of the bar, together with the regulation of paralegals, have broad implications for lawyers and paralegals. The direction we take on these and other issues will have a profound and lasting impact on the future of our profession.

The Law Society's role in resolving these issues differs. For some, our mandate under the *Law Society Act* requires that we take a leadership role. On others, our role is clearly one of facilitation and collaboration.

We must lead by ensuring the competence of our members. Our Continuing Professional Development program and the Articling Task Force demonstrate our commitment to do so.

Our continuing support of sole and small firm practitioners is vital to the public's ability to find a lawyer or paralegal in their community when they need one.

In this Annual Report, you will read about many of the initiatives we developed and implemented in 2011 to fulfil our mandate to regulate the profession in the public interest.

The *Law Society Act* also mandates us to facilitate access to justice. This requires that we work together with many justice partners, including two levels of government, an independent judiciary and a host of legal organizations and agencies that are dedicated to improving social justice. We may have a variety of roles through which we can help achieve reform. We can act as instigator, supporter or as a partner.

We continue to support the expansion of the Unified Family Court, and to try to find ways to simplify the legal process.

There is a growing desire on the public's part to deal with their legal issues on their own, with occasional legal help. In 2011, we responded to this and brought guidance to lawyers and paralegals providing limited scope retainers. We also maintained our free Lawyer Referral Service. In operation for over 40 years, it served more than 160,000 callers in 2011.

Paralegal regulation is an important component of our commitment to access to justice. We are now moving into our fifth year of regulating paralegals and we are preparing for a full review of the entire system to date. We are also looking ahead

to analyze legal needs so that we can identify whether changes might be appropriate.

During the last six months of my term in 2012, I have continued to travel and meet with members and other stakeholders. We speak about all of these issues, and more. Our challenges continue, but the Law Society will lead where we must and support where we are able.

It has been an honour to serve as the 63rd Treasurer of the Law Society. It has also been a wonderful and enriching personal experience. I am extraordinarily grateful to my bencher colleagues, the Law Society staff and to so many others who gave me support and counsel throughout my term.

I am very proud of the Law Society as an institution, as we continue to govern the providers of legal services in the public interest.



Laurie H. Pawlitzka
Treasurer

Going forward—Building on our strengths

The ever-changing legal landscape makes this both an exciting and challenging time for Ontario's legal profession. As I join the Law Society of Upper Canada as its new Chief Executive Officer, I am aware of the growing number of issues that need to be addressed in the coming months and years. As I get to know the organization and work with the Treasurer, Convocation, and the Law Society's highly-skilled staff, I am confident that the commitment, dedication and ingenuity that are hallmarks of our work position us well to consider upcoming issues as opportunities, identify new and ongoing priorities to be addressed, and build on the many accomplishments of the past decade.

In 2011, the Law Society made tremendous progress in supporting the priorities set by the previous Bench. The Performance Highlights outlined below reflect how far we have come on each of these key priorities.

Priority 1: Maintain high standards and ensure effective competence, provide quality assurance of post-licensing competence and access to quality improvement programs

Licensing lawyers and paralegals is an integral part of the Law Society's mandate to regulate the profession in the public interest. In June 2011, the Articling Task Force was formed to look at the issues related to articling. In December 2011, Convocation approved a three-month consultation with the profession and other interested organizations to consider five possible options.

Throughout this process, the Law Society remains focused on ensuring our licensing requirements are fair and accessible and that new lawyers have appropriate skills training to competently serve the public.

The Law Society also continued to work with the Federation of Law Societies of Canada to establish national standards and bring continuity to the licensing assessment processes for lawyers.

This year marked the first year of the Continuing Professional Development (CPD) requirement. It was a major success. Only a small percentage of members failed to complete the annual requirement prior to the December 31, 2011 deadline. Many members have commented on the value of the continued learning opportunity. The CPD requirement is a significant step in the Law Society's efforts to ensure competence through proactive quality improvement measures. It also demonstrates lawyers' and paralegals' commitment to quality and reinforces public respect for the legal profession.



Robert G.W. Lapper, Q.C., Chief Executive Officer

Working through county law associations, Law Society practice management reviewers also presented several regional CPD sessions on effective practice management processes. These sessions provided lawyers with first-hand advice on best practices, strategies for improvement, and the creation of practice efficiencies.

Priority 2: Professional regulation, particularly the efficiency and transparency of the discipline process and quality assurance

As the regulator of more than 43,000 lawyers and 4,100 paralegals, the Law Society continues to strengthen its regulatory process focused on protecting the public.

Solicitor-client privilege is a fundamental component of the justice system and an absolute requirement of the relationship between legal service providers and those who seek their advice and representation. Without the guarantee of complete confidentiality, clients may not be fully open with their legal service providers and access to justice would be jeopardized. In 2011, the Law Society developed guidelines for law office searches to inform lawyers of best practices to protect solicitor-client privilege in the event of police searches and seizures of law firms and files. Similar guidelines for paralegals are in development.

To alert communities to the risks of hiring unlicensed legal services providers, we began a focused media campaign about unauthorized practice at the end of 2011. The campaign encouraged people to check the Law Society's free online directory to confirm the status of a lawyer or paralegal before hiring them.

Supplementary information is now available on our website describing the kinds of fraud and other unauthorized practices that the Law Society has recently prosecuted, as well as the names of the fraudsters. During the campaign, we experienced significant increases in the use of our directory and the related pages.

The Law Society is also a key participant in the National Discipline Standards Project, an initiative of the Federation of Law Societies to develop meaningful national performance standards for all Canadian law societies. In 2011, participants developed standards around regulatory timeliness, accessibility and transparency. Pilot projects to test the implementation of these standards will begin in 2012.

Priority 3: Access to justice

The Law Society continued to work in collaboration with Pro Bono Law Ontario and Legal Aid Ontario in 2011 on the Ontario Civil Legal Needs Project, with support from the Law Foundation of Ontario, to identify and address some of the obstacles faced by low- and middle-income Ontarians in obtaining meaningful access to justice.

The two reports produced through the project, *Listening to Ontarians* (2010) and *The Geography of Civil Legal Services in Ontario* (2011), provide us with the first empirical research data of its kind. The research helps identify the specific kinds of legal needs that are not currently being met. It will support work to develop alternate approaches to meeting some of these needs.

Convocation approved the creation of a pilot online family law platform to provide guidance to self-represented and unrepresented litigants facing a family law dispute. Launching in the spring of 2012, Your Law: Family Law in Ontario, A Unified Online Platform, will organize currently available information and provide simpler, easier instructions for people who are trying to navigate the family law justice system. It will also make clear to litigants when they need to seek legal assistance.

The Lawyer Referral Service has been filling an important public need for over 40 years by giving the people of Ontario access to lawyers who can inform them of their legal rights and options. Work began in 2011 to expand the service to include paralegals to meet the growing public demand for greater access to legal services and introduce other enhancements.

Launching in spring 2012, the Law Society Referral Service will have clear user guidelines that will make it more effective for those who use the service, and will include an online component for improved access.

Priority 4: Diversity within the legal profession

The Law Society's ongoing research and data collection on the demographics of the profession have led to the creation of such ground-breaking initiatives as the Retention of Women in Private Practice project, the Aboriginal Bar Consultation and the Discrimination and Harassment Counsel Program.

This year, the Law Society continued a voluntary Change of Status Survey with lawyers who change their primary businesses or status in the legal profession. The survey launched in 2009 and is expanding in 2012 to include paralegals.

In the fall of 2011, the Law Society announced a two-year extension of the Justicia project to allow the more than 55 large- and medium-sized participating firms to continue their important work to identify and adopt principles and best practices that promote the retention and advancement of women. The Law Society also approved an extension of the Parental Leave Assistance Program to December 31, 2012.

As part of the Law Society's continued implementation of recommendations to support women lawyers, Convocation approved a Career Coaching Program in December 2011. Launched on April 2, 2012, the program provides career coaching to women in sole and small firms of five lawyers or fewer who need to take a maternity, parental or compassionate care leave. The goal of the program is to assist women lawyers in ramping down their practice prior to the leave, maintaining their practice during the leave and reintegrating into practice following the leave.

Priority 5: Small firms and sole practitioners

Enhancing supports for sole and small practices continues to be a priority for the Law Society. We hosted the sixth Annual Solo and Small Firm Conference and Expo in June 2011, including an educational session on contingency planning and power of attorney requirements. The presentation addressed the deficiencies uncovered in practice reviews in the areas of business continuity and contingency planning, as well as the associated risks and minimum competency standards. It also provided various approaches to assist members to meet appropriate standards.

A number of programs borne out of the Retention of Women Initiative, such as the Women's Online Resource Centre and the Contract Lawyers' Registry, continue to be of value to lawyers in sole and small practice. Such initiatives are aimed at providing support and guidance to lawyers when they need to be away from their practices, or require extra assistance.

Priority 6: Paralegal regulation

The Law Society began the process of reviewing the evolving legal needs of Ontarians. This follows the Treasurer's commitment at the 2010 Annual General Meeting to consider the expansion of the scope of paralegal practice as one means to address these evolving legal needs.

In September 2011, Convocation approved the Law Society Distinguished Paralegal Award to be presented annually to a paralegal who has demonstrated one or more of an established list of five criteria. Nominations are reviewed by a selection committee comprising all five paralegal members of the Paralegal Standing Committee, the Vice-Chair of the committee, a lay bencher member of the committee and the Treasurer or designate.

In 2010, the Law Society approved an additional group of potential paralegal licensing candidates for entry into the Licensing Process. Exempted Group members who registered for the Integration Licensing Process were required to fulfil all good character requirements, successfully pass the paralegal licensing examination and complete an online Professional Conduct and Advocacy Course.

In the fall, the Law Society began hosting receptions to welcome new paralegal licensees to the profession, with two to be held annually. The Law Society welcomed more than 100 licensed paralegals at the first reception in November.

Work began in late 2011 on the five-year review of paralegal regulation, as required by section 63.1 of the *Law Society Act*. The review will look at the way licensed paralegals have been regulated since 2007 and the effect that regulation has had on licensed paralegals and the public.

Priority 7: Strategic communications—through effective media relations, the measurement of public opinion and attitudes, and proactive communication

In 2011, the Law Society continued to implement its corporate communications strategy to make it easier for the public to find a lawyer or paralegal and increase understanding of the Law Society's role in serving the public interest, as well as to raise awareness among lawyers and paralegals of our corporate initiatives.

We added a sixth video vignette to the "Your Law" series on our YouTube channel. The series uses lawyers and paralegals to demystify common legal issues faced by members of the public.

In 2011, we redesigned the Law Society's website and reorganized the homepage around three principal areas: For the Public, For Lawyers and For Paralegals. The new design and functionality create a site that is contemporary in its appearance, easier to navigate and simpler to use.

The Law Society held focus groups at the end of 2011 with newly called lawyers to explore their use of current Law Society communications and hear their recommendations for improvements. Quantitative surveys conducted among this segment of the profession in early 2012 will complete this research. We will use the findings to continue to improve the ways we provide information about the organization to the profession.

Priority 8: Governance structure

Implementation of governance reforms continued in 2011, with by-law amendments to address: the participation of former Treasurers in Convocation's debate; the attendance of grandparented and *ex-officio* benchers and emeritus benchers who are former Treasurers at Convocation; and the remuneration of emeritus benchers.

In April, the Law Society conducted the 2011 Bencher Election almost entirely online. The new electronic format resulted in a reduction of printing and mailing costs. The Law Society held a series of information sessions in 2010 and 2011 to offer insight on Law Society initiatives, answer questions about what is involved in being a bencher and encourage stronger voter turnout. There were 15,592 ballots cast, representing 37 per cent of the profession, reversing a long-term trend of declining voter turnout.

Eighteen of the 40 elected benchers are women—tying the 2007 result, which was the highest number of women ever elected.

Looking ahead...

Convocation has established new strategic priorities, plans and goals for the next four years that will be a key part of our work in 2012. While the economy will continue to be a challenge for providing legal services and sustaining an appropriate regulatory environment, we remain committed to delivering and building on programs and services that allow us to govern effectively in the public interest.

Thanks to the legacy of excellent leadership left by my predecessor, Malcolm Heins, the Law Society of Upper Canada is a strong, well run organization that has had a record of solid financial positions for the last 11 years. We are poised to continue that legacy.

I am delighted to be part of this organization. I look forward to working with Convocation, Law Society staff, and members of the legal community in ensuring greater access to justice, strengthening our professional regulation in the public interest, and supporting lawyers and paralegals in providing competent and high quality service to the people of Ontario.

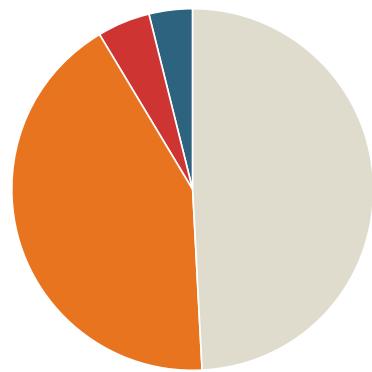


Robert G.W. Lapper, Q.C.
Chief Executive Officer

GEOGRAPHICAL DISTRIBUTION OF LAWYERS IN GOOD STANDING

■ Metropolitan Toronto	49%
■ Ontario (excluding Metro Toronto)	42%
■ Canada (excluding Ontario)	5%
■ Outside Canada	4%

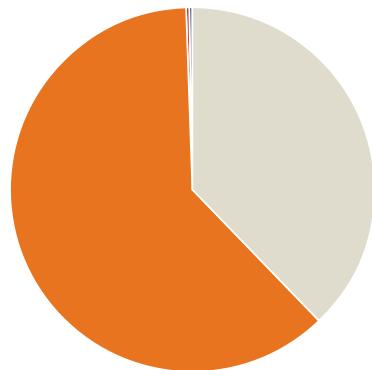
Data as of December 31, 2011



GEOGRAPHICAL DISTRIBUTION OF PARALEGALS IN GOOD STANDING

■ Metropolitan Toronto	38%
■ Ontario (excluding Metro Toronto)	62%
■ Canada (excluding Ontario)	0%
■ Outside Canada	0%

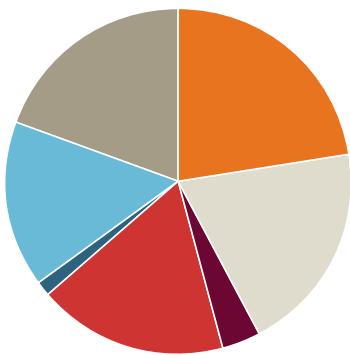
Data as of December 31, 2011



LAWYERS BY AREA OF EMPLOYMENT IN ONTARIO

■ Sole Practitioner	23%
■ Partner	20%
■ Employee	3%
■ Associate	18%
■ Education	1%
■ Government	16%
■ Other	19%

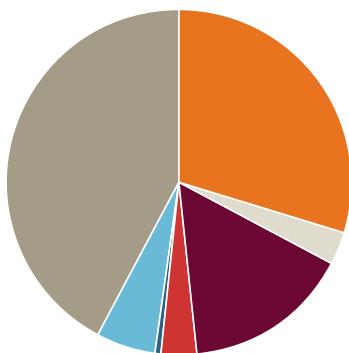
Data as of December 31, 2011



PARALEGALS BY AREA OF EMPLOYMENT IN ONTARIO

■ Sole Practitioner	30%
■ Partner	3%
■ Employee	16%
■ Associate	3%
■ Education	0%
■ Government	6%
■ Other	42%

Data as of December 31, 2011



LAWYERS BY AGE AND GENDER

	Total	M	%	F	%
Under Age 30	2,627	1,103	3%	1,524	4%
Age 30 – 39	11,322	5,291	12%	6,031	14%
Age 40 – 49	10,856	5,972	14%	4,884	11%
Age 50 – 65	13,853	9,625	22%	4,228	10%
Over Age 65	4,735	4,336	10%	399	0%
	43,393	26,327	61%	17,066	39%

Data as of December 31, 2011

PARALEGALS BY AGE AND GENDER

	Total	M	%	F	%
Under Age 30	1,016	241	6%	775	19%
Age 30 – 39	842	308	8%	534	13%
Age 40 – 49	993	489	12%	504	12%
Age 50 – 65	1,104	701	17%	403	10%
Over Age 65	141	129	3%	12	0%
	4,096	1,868	46%	2,228	54%

Data as of December 31, 2011

SIZE OF LAW FIRM

Firm Size	Number of Firms	% of Total	Licensee Count	% of Total
1	8,019	77%	8,019	33%
2 – 10	2,167	21%	7,163	29%
11 – 25	162	2%	2,545	10%
26 – 50	39	0%	1,335	6%
51+	34	0%	5,256	22%
	10,421	100%	24,318	100%

Data as of December 31, 2011

Includes primary and secondary businesses

SIZE OF PARALEGAL FIRM

Firm Size	Number of Firms	% of Total	Licensee Count	% of Total
1	1,084	85%	1,084	67%
2	120	9%	240	15%
3	31	2%	93	6%
4	17	1%	68	4%
5	8	1%	40	2%
6	11	1%	81	5%
	1,271	100%	1,606	100%

Data as of December 31, 2011

Includes primary and secondary businesses

Mandate

The Law Society of Upper Canada regulates the lawyers and paralegals of Ontario in the public interest. The Law Society has a duty to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario, and to act in a timely, open and efficient manner.

The Law Society ensures that every individual who practises law or provides legal services in Ontario meets standards of learning, professional competence and professional conduct that are appropriate for the legal services provided.

History

The Law Society of Upper Canada was founded in 1797 and is one of the oldest continuously operating professional organizations in North America. Based at Osgoode Hall in Toronto since 1832, the Law Society regulates approximately 43,000 lawyers and 4,100 licensed paralegals in Ontario. Great care has been taken to maintain the historical integrity of Osgoode Hall, a national heritage site, while still allowing it to function as a modern working building.



Governance

The Law Society's affairs are conducted by 50 governors called Benchers — 40 lawyers and two paralegals who are elected by their peers every four years, and eight non-lawyer, non-paralegal members of the public appointed by the Ontario government. Benchers meet monthly to formulate policy on matters related to the governance of the legal profession and direct other Law Society business in a forum called Convocation. They also form hearing panels to hear cases involving the conduct, capacity, or competence of lawyers and paralegals, and participate on various Law Society committees. The head of the Law Society is the Treasurer, who presides over Convocation.

The Law Society's operations are funded entirely by annual fees paid by members of the Law Society.

Regulation

A key aspect of the Law Society's authority is setting and enforcing standards of competence and professional conduct. The Law Society controls the licensing of lawyers and paralegals in Ontario.

Lawyers and paralegals are:

- Subject to rules and by-laws set by Convocation, including such matters as ethical guidelines and practice structures
- Required to maintain trust accounts if they hold client funds
- Subject to audits of their books and records, including any records of trust accounts in which client funds are held
- Required to maintain professional liability insurance
- Required to contribute to a compensation fund
- Required to file an annual report with the Law Society describing their areas of practice and trust account holdings
- Required to take 12 hours per year of Continuing Professional Development, so that they are aware of recent changes in the law.

Access to Justice

The Law Society offers several programs and services to help the public access the legal services and information they require, and advocates for policies to make legal services accessible to all.

The Law Society supports other programs that provide legal services and education to people most in need, such as Pro Bono Law Ontario, and is actively involved in identifying and addressing the barriers the public encounters in accessing justice.

The Law Society is committed to promoting equality, diversity and access to justice and has established a strong infrastructure to develop initiatives and programs that promote a diverse legal profession.

Policies to advance our mandate

The Policy Secretariat provides support to benchers in their policy-making role, acting as secretaries to Convocation's standing committees, task forces and working groups.

Depending on the nature of the policy under development, Policy Counsel may:

- Research the history of the policy and related policies
- Determine how other law societies and professional regulators in Canada and internationally have dealt with the issue
- Consult with stakeholders, including the profession, legal organizations and government.

Policy Counsel also draft submissions to government and other bodies in response to proposals. In addition, they review current bills and regulatory proposals and, if relevant, bring them to the attention of the appropriate committee and Convocation for response.



The Law Society welcomed more than 100 of Ontario's newly licensed paralegals to the profession at the first reception held in their honour on November 15, 2011.

Attorney General John Gerretsen (above, centre) congratulated paralegals on their role in helping strengthen Ontarians' access to justice. Law Society Treasurer Laurie H. Pawlitz and Paralegal Standing Committee Chair Cathy Corsetti also offered words of welcome to the new licensees.

Ontario is the first jurisdiction in North America to license paralegals. More than 4,000 paralegals are now licensed by the Law Society.

Regulation of Paralegals and Lawyers

A large part of the Policy Secretariat's work in 2011 related to the regulation of paralegals and lawyers, including:

- Adoption of a Convocation policy prohibiting benchers and adjudicators from representing licensees under investigation by the Law Society
- Amendments to rules of professional conduct and by-laws with respect to trust account obligations
- Implementing rule of professional conduct amendments respecting limited scope retainers
- Amendments to the *Paralegal Rules of Conduct* with respect to a paralegal acting as both advocate and witness
- By-law amendments for equivalency for certain tribunal members for the educational requirement with respect to the Paralegal Licensing Process
- Completion of the 'Integration Project' to facilitate licensing of exempt groups of paralegals and collection agents
- Amendments to the *Rules of Practice and Procedure* respecting a new pre-proceeding consent resolution conference as part of the hearing process and to prohibit photography etc. at Law Society hearings
- Adoption of a mandatory adjudicator education program
- Ongoing development of new appeal rules
- Adoption of a practice direction respecting adjournments before the Hearing Panel
- Approval of the Federation of Law Societies of Canada's Implementation Committee Report on the Canadian Approved Common Law Degree
- Ongoing work of the Articling Task Force
- Approval of amended Québec Mobility Agreement to include members of the Chambre des notaires and necessary by-law amendments
- Approval of amendments to temporary mobility provisions for members of the Barreau du Québec and the Yukon, Northwest Territories and Nunavut and necessary by-law amendments

- Approval of Heritage Committee projects respecting the history of the legal profession and documenting historical discipline data
- Completing preliminary research on alternative business models for the delivery of legal services.



THE LAW SOCIETY OF UPPER CANADA 2011 BENCHER ELECTION

Governance

Policy Counsel supported the work of the Governance Task Force to completion. The task force prepared the last of a series of by-law amendments, adopted in January 2011, to implement the decisions made by Convocation on governance reforms.

Other initiatives included establishing a twice-yearly reception for newly licensed paralegals, implementation of the new paralegal achievement award, and commencing the statutory five-year review of paralegal regulation.

The Director of Policy and Tribunals managed the bencher election in April 2011. For the first time, the election was conducted almost entirely online, with delivery of election materials to voters by email and online posting of candidate information. A working group was struck to deal with some issues arising from the 2011 bencher election process.

A Bencher Planning Session was held in September 2011 as part of a process adopted by Convocation to set priorities for the 2011-2015 bencher term. Convocation approved the following priorities:

- Access to justice
- Competency and professional standards
- Equity, diversity and retention
- Tribunals issues
- Business structures/law firm financing
- Professional regulation.

Convocation also agreed that effective communication and outreach and Convocation governance effectiveness are ongoing objectives that must be diligently pursued to enhance the Law Society's effectiveness as a regulator.

In an effort to increase efficiency, the Law Society began implementation of paperless meetings for Convocation and its standing committees in which materials are accessed on a secure site using iPad technology.

Federation of Law Societies of Canada

Staff in the Policy Secretariat also support the work of the Federation of Law Societies of Canada, which in 2011 included:

- Implementation of national mobility rules
- The Standing Committee on the Model Code of Conduct
- The Implementation Committee on the Approved Common Law Degree
- The National Discipline Standards Project
- Responses to consultation papers from the Department of Finance on anti-money laundering legislation.

The Tribunals Office

The Tribunals Office is responsible for the efficient administration of the Law Society's tribunals—the Hearing and Appeal Panels. This includes the scheduling and clerking of hearings; provision of support to adjudicators; administration and review of orders and reasons of the tribunals; publication of the tribunals' orders and reasons and dealing with inquiries from the public and media.

The volume of matters dealt with by the Tribunals Office in 2011 continued to be high, with 151 files opened, comparable to the 166 files opened in 2010. Law Society tribunals considered 196 files in 2011 compared to 181 in 2010. Proceeding management conferences, hearings, appeal management conferences and appeals were scheduled on 239 days, or on 96 per cent of available calendar days.

In 2011, the frequency of the proceedings management conference and appeal management tribunal was increased and they now take place weekly; a practice direction on adjournment requests to the Hearing Panel was implemented to promote timely hearings and an orientation and education session for new benchers and returning adjudicators was held.

Building relationships with our stakeholders

The Public Affairs Department builds and sustains strategic relationships with stakeholders and governments. The department provides strategic advice on critical issues and advances the public's understanding of the Law Society's public interest mandate.

The department was created in May 2011 in recognition of the importance of strategic outreach and external relations at the Law Society. Public Affairs expands on the work of the former Government Relations unit. Sheena Weir, the previous Manager of Government Relations, was appointed the department's first Director.

Public Affairs Priorities

Since its creation, the department has been assessing opportunities, developing a public affairs strategy and defining priorities. Priorities for 2011 and 2012 include:

- Developing a consistent approach to external messages and stakeholder engagement
- Conducting an audit of the Law Society's stakeholder portals
- Developing an external relations lens in policy development and industry standard measurement instruments to benchmark the Law Society's outreach impact over time
- Continuing to support access to justice as an organizational priority
- Developing and implementing a uniform policy consultation process
- Consolidating the corporate stakeholder list and managing events planning
- Enhancing the Law Society's presence in the federal government arena
- Strengthening linkages with the Federation of Law Societies of Canada.

Multi-year Legislation Policy Review

In order to maximize all legislative-window opportunities, Public Affairs has embarked upon a comprehensive, multi-year, organizational review of potential areas for operational improvements that would require legislative change. This process will ensure that initiatives receive policy consideration and approval in a timely, co-ordinated and organized fashion.

Issues Management

Issues management is a key responsibility of the Public Affairs Department. Working closely with the Office of the Treasurer, the CEO, Policy, Communications and other Law Society departments, Public Affairs researches and develops strategies and other supports to ensure Law Society positions on key issues are clear and consistent. In 2011, the department was active in managing the following issues:

- Unified Family Court expansion
- Paralegal regulation, including the statutory five-year review
- Sustainability of legal aid
- Transition with new Attorney General
- The Ontario Civil Legal Needs Project
- Real estate issues.

The department also monitors government reports and initiatives such as Justice on Target, the Ontario Fairness Commission and the *Accessibility for Ontarians with Disabilities Act, 2005*.



The Alliance for Sustainable Legal Aid (ASLA) includes representatives from various legal organizations working together to ensure the ongoing viability of legal aid in Ontario. The Law Society is a member along with the Advocates' Society, County and District Law Presidents' Association, Criminal Lawyers' Association, Family Lawyers Association, Association of Community Legal Clinics of Ontario, Mental Health Legal Committee, Ontario Bar Association and Refugee Lawyers' Association.

Assuring competence and quality

The mandate of the Law Society is to ensure that Ontario lawyers and paralegals meet high standards of learning, competence and professional conduct. The Professional Development and Competence Department achieves this through a two-pronged approach: quality assurance programs and quality improvement activities. Quality assurance programs focus on ensuring compliance with established standards, while quality improvement activities involve developing tools to facilitate improved practices.

Lawyer Licensing Process

The Licensing Process for lawyers comprises two separate licensing examinations (barrister and solicitor), a 10-month articling term, an online Professional Responsibility and Practice Course, and requirements for good character. In 2011, 1,710 lawyers were called to the Bar of Ontario.

CANDIDATES CALLED TO THE BAR IN 2011

Women	868
Men	842
Total	1,710

Professional Responsibility and Practice Course

The Professional Responsibility and Practice Course, launched in August 2009, is designed to enhance the training and mentorship that candidates receive during articles by expanding their knowledge of lawyers' duties, tasks and challenges, and by providing them with an approach for analyzing common ethical and practice dilemmas. In 2011, 1,469 articling candidates accessed the online course.

Professional Conduct and Practice Course for Internationally Trained Lawyers

The Law Society also continues to provide a three-day mandatory course for internationally trained common law candidates granted an exemption from articles based on experience (more than 10 months of practice). The three-day Professional Conduct and Practice Course provides instruction on professional responsibility and practice management topics in an Ontario context using lectures, panel presentations and round table discussions. The course was delivered to 42 candidates in May 2011 and 53 candidates in November 2011.

Paralegal Licensing Process

Candidates for paralegal licensing are required to complete a diploma or certification from a community or private college through a paralegal program that is accredited by the Law Society. The requirements for certification include a 120-hour field placement. Once in the Licensing Process, paralegal candidates write a licensing examination and meet the requirements for good character. In 2011, 740 paralegals were licensed.

CANDIDATES ISSUED A PARALEGAL LICENCE IN 2011

Women	421
Men	319
Total	740

Exempted Group and Collection Agent Integration Licensing Process

In 2010, the Law Society approved an additional group of potential paralegal licensing candidates for entry into the Licensing Process. Exempted group members who registered for the Integration Licensing Process are required to fulfil all good character requirements and successfully pass the paralegal licensing examination. In addition, candidates were required to complete an online Professional Conduct and Advocacy Course, which consisted of presentations, readings, exercises, demonstrations, vignettes and practice tips from legal professionals in relation to substantive, procedural and ethical issues that arise within a paralegal's scope of practice. A total of 440 candidates were registered into this process in 2011.

Paralegal College Program Accreditation

In 2011, the Law Society's accreditation team accredited an additional four college paralegal programs. A total of 24 programs are now accredited. The college audit process is designed to ensure that a program's curriculum, infrastructure and systems support meet the Law Society's accreditation criteria. All colleges are audited within three years of the date of their accreditation and at least once every five years thereafter. In 2011, seven audits were conducted.

Approved paralegal programs by the end of 2011

1. Algonquin Careers Academy (Mississauga, Ottawa)
2. Algonquin College (Ottawa)
3. Canadian Business College (Toronto, Mississauga)
4. CDI Institute (Toronto)
5. Centennial College (Scarborough)
6. Conestoga College Institute of Technology and Advanced Learning (Kitchener)*
7. CTS Canadian Career College (Barrie, Sudbury)
8. Durham College (Oshawa)
9. Durham College (Certificate) (Oshawa)
10. Everest College (Toronto, Nepean)
11. Fanshawe College (London)*
12. Fleming College (Peterborough)
13. George Brown College (Toronto)
14. Herzing College (Toronto)
15. Herzing College (Ottawa)
16. Humber Institute of Technology and Advanced Learning (Toronto)
17. Humber Institute of Technology and Advanced Learning (Degree) (Toronto)
18. La Cité collégiale (Ottawa)
19. Loyalist College (Belleville)
20. Seneca College of Applied Arts and Technology (Toronto)
21. Sheridan College Institute of Technology and Advanced Learning (Brampton)
22. St. Clair College (Windsor)
23. Trios College (Toronto, Mississauga, Kitchener, Windsor, London, Oshawa, Hamilton)
24. Westervelt College (London)

*These paralegal programs will commence September 2012.

Articling Registry

The online Articling Registry continues to be a useful recruitment and job search tool for law firms, legal organizations, law students and licensing candidates. Using the registry, firms can post available articling positions and search through articling candidates' profiles, while candidates can use the registry as a tool for reviewing articling opportunities in their job search. The registry also assists smaller firms outside of major urban centres to locate law students or licensing candidates who are interested in available articling positions. In 2011, employers posted 147 articling positions on the registry.

Articling & Beyond Symposium



In November 2011 an articling symposium and career fair was held at the Law Society. This second annual symposium, sponsored by the Law Society, the Ontario Bar Association and the County and District Law Presidents' Association, was designed to connect law school students, articling candidates and new lawyers with practitioners from sole and small firms and communities outside of Ontario's major urban centres. Over 300 law school students, licensing candidates and new lawyers attended. Approximately 70 law firm employers gathered at Osgoode Hall for this event featuring panel discussions, small workshops and an opportunity to network throughout the afternoon at the career fair.



CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENT NOW IN EFFECT

cpd

Lawyers and paralegals subject to the CPD requirement must record their activities through the LSUC portal.

[REGISTER TODAY >](#)

Continuing Professional Development (CPD)

The CPD requirement took effect on January 1, 2011. Lawyers and paralegals are now required to complete, in each calendar year, 12 hours of continuing professional development in eligible activities. Experienced members are required to complete a minimum of three Professionalism Hours and up to nine Substantive Hours. Only content related to ethics, professional responsibility and/or practice management must be accredited by the Law Society and is eligible for Professionalism Hours. Substantive Hours need not be accredited by the Law Society.

New members in their first two full calendar years of practising law or providing legal services (including those licensed after May 31, 2010) are required to take 12 hours per year of programming that is fully accredited by the Law Society and that either integrates professionalism issues within substantive training or is entirely focused on professionalism.

The list of eligible activities is flexible and allows lawyers and paralegals to obtain CPD Hours through a variety of methods, including, but not limited to, attendance at CPD programs in person or via webcast, teaching, writing, mentoring, acting as an articling principal or field placement supervisor, and participation in study groups of two or more colleagues.

By the end of 2011, approximately 7,300 applications for program or activities accreditation, and an additional 3,800 inquiries related to accreditation, were processed. A total of 3,280 programs received accreditation for Professionalism and/or New Member CPD Hours in 2011. Program applications were received from education providers, law firms and in-house legal departments, government legal divisions and related agencies, non-profit entities and a number of legal associations at the provincial and national levels.

In addition, approximately 3,300 member activities received accreditation for Professionalism or New Member CPD Hours as of December 31, 2011.

In 2011, the Professional Development and Competence Department produced 138 CPD programs, with total program registrations of 89,290 for the year. Seventy-five per cent of these registrants viewed their programs by live webcast. The traffic on the e-transactions area of the website increased by approximately 41 per cent from the previous year, while the number of members self-registering online for programs tripled.

Members are required to obtain three of their 12 CPD Hours by participating in eligible educational activities focusing on professionalism. To help members fulfil this requirement, Convocation approved the provision of 40 free-of-charge professionalism programs to be developed and supported by the Law Society. Of the total registrations received in 2011, approximately 63 per cent were for free programs focusing on professionalism issues and 37 per cent were for paid substantive law programs.

2011	
Total number of CPD programs (all formats)	138
Attendance at all CPD programs (all formats)	89,290
Average attendance at CPD programs (all formats)	647

TOP 10 FREE OF CHARGE PROGRAMS IN 2011

	Program Name	Date	Total Number of Delegates	% of Attendance by Webcast
1	Work / Life Balance: Myth or Reality?	February 28, 2011	3,406	100
2	Work / Life Balance: Myth or Reality?	May 30, 2011	3,008	100
3	Ethical Considerations in an Age of Technology	October 7, 2011	2,533	100
4	Strategic Advocacy and File Management for Civil Litigators	November 28, 2011	1,631	85
5	Professionalism and Practice Management for Business Lawyers	December 12, 2011	1,624	100
6	Professionalism and Practice Management for In-House Counsel	November 16, 2011	1,609	100
7	Ethical Considerations in an Age of Technology	November 21, 2011	1,562	100
8	Strategies for Managing the Difficult Litigation Client	September 15, 2011	1,523	100
9	Professionalism and Practice Management for Real Estate Lawyers	September 20, 2011	1,470	100
10	Office Management Issues Facing Today's Firm	September 23, 2011	1,459	100

TOP 10 PAID PROGRAMS IN 2011

	Program Name	Date	Total Number of Delegates	% of Attendance by Webcast
1	8 th Annual Real Estate Law Summit – 2 Days	April 6 & 7, 2011	964	71
2	The Six-Minute Real Estate Lawyer 2011	November 22, 2011	920	72
3	5 th Annual Family Law Summit	June 16 & 17, 2011	815	46
4	The Six-Minute Family Law Lawyer 2011	December 1, 2011	673	60
5	How to Settle a Case	November 17, 2011	666	70
6	6 th Annual Solo and Small Firm Conference and Expo	June 3 & 4, 2011	655	38
7	Business Law Summit	May 17, 2011	644	70
8	The Annotated Power of Attorney for Personal Care 2011	February 17, 2011	641	74
9	The Ontario E-Discovery Institute: E-Discovery for All Cases and All Lawyers—Joint with OBA & The Advocates' Society	September 19, 2011	600	57
10	The Six-Minute Criminal Defence Lawyer 2011	April 2, 2011	572	57

Legal Information: The Great Library and Services

The Law Society's legal information and research specialists are working to provide members with increased access to legal information. In 2011, the reference team handled more than 26,000 reference questions. Law Society members also accessed approximately 13,000 articles in the premium HeinOnline subscription that makes law journals available at their desktops. Nearly 59,000 unique visitors used the Great Library's website in 2011.

LibraryCo Services and Supports

The Law Society continues to provide significant operational support to LibraryCo Inc., including hosting and providing an online Toolkit of Legal Resources. Lawyers around the province can access case law and leading legal texts in any of the 48 county and district law libraries funded by LibraryCo Inc. These resources also include electronic access to LexisNexis Quicklaw and specialty content such as All Canada Quantums and Solicitors' Forms and Precedents. In addition, lawyers in 31 counties and districts can access Quicklaw from anywhere with an Internet connection, and are provided with free access to the latest legal information.



Quality Assurance

Spot Audit Program

Spot Audit is a proactive, quality assurance program that assesses a firm's compliance with financial record keeping requirements. In 2011, approximately 1,900 audits were conducted. The majority of these audit engagements found that the firms had either minor or no books and records deficiencies (56 per cent), or deficiencies that were readily remediated to the Law Society's satisfaction (32 per cent).

Lawyers selected for an audit continue to report extremely high approval ratings for both the auditors and the overall experience.

Practice Management Review Program

Practice management reviews ensure that practitioners meet competency standards and identify areas for improvement in managing the lawyer's practice. Reviewers provide practical suggestions on how to maintain practice at optimal levels leading to greater efficiencies, high quality service and greater lawyer and client satisfaction. In 2011, 495 practice management reviews were conducted. Approximately 24 per cent of initial attendances found that lawyers were not meeting standards of professional competency and required a revisit.

More than 97 per cent of lawyers selected for a practice management review responded that they found the process to be constructive and value added to managing their practice.

Paralegal Practice Audits

Practice audits mirror the format of practice management reviews, with the goal of providing targeted advice to achieve effective and efficient practices. In 2011, 84 practice audits of paralegal practices were conducted. Approximately 53 per cent of initial attendances found that paralegals were not meeting standards of professional competence and a revisit was required to assess the extent of remediation.

The Practice Audit Program has been well received by paralegals, with 100 per cent of those who underwent a practice audit finding it to be constructive and value added.

Practice Management Supports

Practice Management Helpline

Through this confidential telephone service, experienced counsel provide lawyers and paralegals with assistance in interpreting the rules of conduct, Law Society legislation and by-laws, as well as ethical and practice management issues. In 2011, the helpline fielded more than 6,100 calls. Callers from sole and small firms make up 70 per cent of all queries.

For lawyers, the majority of calls came from practitioners who defined real estate law as their primary practice area (23 per cent), followed by civil litigation (16 per cent) and family law (15 per cent). For paralegals, most questions came from practitioners who identified small claims as their primary area of service (29 per cent), followed by provincial offences (21 per cent).

Technology Practice Tips

In 2011, the Law Society developed a series of Technology Practice Tips to provide lawyers and paralegals with information about a range of technology issues that arise in a legal practice or legal services practice. Available in a convenient MP3 format, these podcasts discuss best practices related to passwords, encryption, social media, smartphone security, websites and other current technology topics.



Focus on continuous improvement

The Client Service Centre (CSC) understands that its interactions with clients and stakeholders can have a profound effect on the Law Society's reputation. For that reason, the CSC has partnered for many years with Excellence Canada (formerly the National Quality Institute) in adopting a formal approach to continuous improvement.

The CSC's operations are regularly affected by internal and external events such as Convocation decisions, changing client demographics and operational initiatives. This means that the CSC must be ready to adapt and respond quickly and effectively.

Recent technological changes at the Law Society, including mandatory e-filing and the continued development of the LSUC Portal, are examples of the challenges and opportunities faced by the CSC. The Portal, in particular, has the potential to fundamentally change when—and how—lawyers and paralegals communicate with the CSC for routine transactions.

By-Law Administration Services

By-Law Administration Services was created in mid-2011 to achieve operational efficiencies by grouping similar processes that previously resided in Membership Services and Administrative Compliance into a single, new department. The department was staffed mostly through the transfer of existing Membership Services and Administrative Compliance positions. Its processes, most of which have migrated from these two areas, include the development/distribution/collection of the Lawyer and Paralegal Annual Reports and the fulfilment of certain types of licensee requests.

Administrative Compliance

Administrative Compliance retains its role in developing and administering many of the Law Society's by-law driven applications and forms. These include processes related to business structures (Professional Corporations, Multi-Disciplinary Practices and Affiliations) and various licensing applications. In addition, this area is responsible for the administration and distribution of documents, such as wills and estates, and file disposition of closed trusteeships.



In early 2012, the Client Service Centre qualified for the prestigious Canada Award for Excellence (Silver). This award is based on Excellence Canada's "Framework for Organizational Excellence" and covers all aspects of an organization (leadership, planning, governance, ethics, people and health practices, processes, suppliers, partners, and organizational results). Qualifying for the award involves a comprehensive written submission, followed by a site visit from an Excellence Canada verification team. The Governor General of Canada is the Vice-Regal Patron of the Canada Awards for Excellence.

Membership Services

The primary focus for the Membership Services area is the administration of the Law Society's licensee database and related functions — address changes, fee payments/adjustments/refunds, member identification cards. This department also provides support for Continuing Professional Development and Portal inquiries.

Call Centre

The Call Centre is the first point of contact for most inbound calls to the Law Society and is also responsible for administration of the Lawyer Referral Service. In 2011, the Lawyer Referral Service implemented an online service to complement the existing telephone-based program and began planning for a number of other enhancements to take place in 2012.

Complaints Services

Complaints Services reviews all complaints received by the Law Society about lawyers, paralegals and persons alleged to be practising or providing legal services without a licence. This area reviews the complaint to determine whether it falls within the Law Society's jurisdiction. Depending on the results of the review, the complaint is resolved, closed or forwarded to the Professional Regulation Division.

Other Areas

Other areas within the Client Service Centre include the Corporate Resource and Training Centre (an internal resource for staff requiring assistance with continuous improvement, documentation, certain types of training and technical assistance); a Facilities department responsible for capital projects, maintenance, building improvements and event booking as well as a Curator's Office that helps preserve the history of the Law Society and its historic premises; and a 24-hour in-house Security team who are also trained in medical and other emergency procedures.

Contacts

There were 673,794 CSC contacts in 2011, compared to 592,206 the previous year. Much of this increase was due to telephone activity, with Call Centre totals of 401,768 versus 324,150 in 2010. Approximately 58 per cent of contacts were with lawyers and paralegals and the remainder were with the public, which is virtually unchanged from the prior year.

LSUC Portal

The LSUC Portal experienced significant activity in 2011 as the vehicle for reporting CPD Hours. A total of 12,780 member information and status change requests were also received through the Portal in 2011. It is expected that this number will increase significantly as the Portal becomes a key point of access to Law Society forms and services in the future.

TOTAL COMPLAINTS

New complaints received	6,608
Reopened in Complaints Services (CSC)	137
Total	6,745

Resolved in Complaints Services (CSC)	295
Closed in Complaints Services (CSC)	1,583
Transferred to Intake (Professional Regulation)	4,867

TOTAL CONTACTS

2009	2010	2011
475,931	592,206	673,794

CONTACTS BY AREA

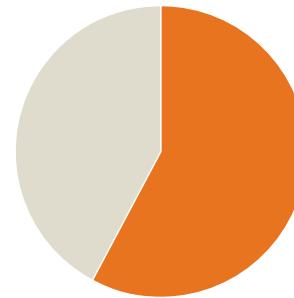
Call Centre	401,768
Membership Services	122,295
Administrative Compliance	33,921
Complaints Services	29,225
By-Law Administration Services	86,585

CONTACTS* FROM

■ Lawyers and Paralegals 58%

■ Public 42%

* Includes facsimiles, mail, email, in person and telephone contacts



MEMBERSHIP SERVICES SUPPORT

Database changes and service requests	63,250
Fee adjustments	7,467
Window transactions	6,081
Phone calls	33,845

Regulating in the public interest

As part of its mandate, the Law Society is committed to protecting the public through the effective regulation of lawyers and paralegals. Effective regulation includes a complaints, investigation and discipline process that is transparent, timely and accessible. It also means that lawyers and paralegals are held to standards of behaviour that adhere to the requirements of the Law Society Act, as well as its regulations and by-laws, the *Paralegal Rules of Conduct* and the *Rules of Professional Conduct*.

The Law Society's Professional Regulation Division is responsible for various aspects of lawyer and paralegal regulation. The Division responds to complaints involving conduct, competency and capacity issues. Conduct-related complaints range from relatively minor service issues to more serious allegations such as those involving the misuse of monies held in trust. The Law Society is able to resolve many complaints by working with complainants, lawyers and paralegals to address the regulatory issues. When appropriate, the Professional Regulation Division will conduct investigations, which will sometimes lead to formal discipline prosecutions.

The Complaints Process—Overview

New complaints that are identified as being within the Law Society's mandate are transferred to the Intake Department of the Professional Regulation Division. Intake identifies the regulatory issues and ensures that there is adequate documentation to support the allegations. Intake may try to resolve the complaint, or refer it to the Complaints Resolution or the Investigations departments. Complaints Resolution deals with complaints that involve less serious breaches of the *Rules of Professional Conduct* or *Paralegal Rules of Conduct*, while Investigations deals with allegations of serious lawyer or paralegal misconduct, incapacity, unauthorized practice and other issues that could result in formal proceedings.

Most cases are closed or resolved by the Intake, Complaints Resolution or Investigations Departments, without formal discipline. The Director of Professional Regulation determines whether complaints require further regulatory action and may refer complaints to the Proceedings Authorization Committee (PAC). The PAC, which consists of benchers appointed by Convocation, reviews complaints and authorizes discipline proceedings. The PAC may also authorize a case closure or a remedial outcome.

Staff from the Discipline Department represent the Law Society in various types of proceedings. Matters assigned to the Discipline Department include:

- Cases involving lawyer and paralegal misconduct
- Failure to comply with regulatory obligations (including the duty to respond to a Law Society investigation)
- Incapacity
- Applications for reinstatement of suspended licences
- Applications to vary Hearing Panel orders.

Complaints Inventory

The volume of new complaints received by the Professional Regulation Division in 2011 was marginally greater than in 2010. The Division was able to complete more cases than it opened to successfully reduce its overall complaints inventory. In 2011, 4,867 new complaints were received, a 1.4 per cent increase from 2010 and 5,360 cases were closed, 3.7 per cent more than 2010 when 5,166 were closed. At the end of 2011, the Division had an inventory of 3,003 cases, whereas, at the end of 2010, its inventory was 3,413.

NEW COMPLAINTS RECEIVED BY PROFESSIONAL REGULATION IN 2011

	2010	2011	
Received by Intake Department	4,801	4,867	1.4% increase

Closed/resolved by Intake	1,795	1,836	2.3% increase
Transferred by Intake			
To Complaints Resolution	1,811	1,800	0.6% decrease
To Investigations	1,377	1,373	0.2% decrease
To other departments	37	39	

Cases completed in Complaints Resolution			
Complaints closed	2,028	1,938	4.4% decrease
Complaints transferred out	106	98	7.5% decrease

Cases completed in Investigations			
Complaints closed	994	1,201	20.8% increase
Complaints transferred out	321	285	11.2% decrease

**COMPLAINTS RECEIVED IN PROFESSIONAL REGULATION
IN 2011 BY AREA OF LAW**

Civil litigation	27%
Matrimonial/family	20%
Real estate	17%
Criminal/quasi-criminal	11%
Estates/wills	8%
Administrative/immigration	8%
Corporate/commercial/business	7%
Employment/labour	2%

**COMPLAINTS RECEIVED IN PROFESSIONAL REGULATION
IN 2011 BY ISSUE**

	% of Total
CONFLICTS (Lawyer in position of conflict, business/financial relations with client)	8%
FINANCIAL (Mishandling trust accounts, misappropriation, real estate/mortgage schemes)	12%
GOVERNANCE (Failure to co-operate with Law Society, unauthorized practice)	21%
INTEGRITY (Civility, counselling/behaving dishonourably)	41%
CLIENT SERVICE ISSUES (Fail to account, fail to communicate, fail to serve client)	56%
SPECIAL APPLICATIONS (Capacity, good character)	6%

Figures are greater than 100% because some files raise more than one issue

Discipline 2011

**NUMBER OF MATTERS HEARD AND DISPOSED OF BY
HEARING PANELS**

	Total	Lawyers	Paralegals
Conduct	84	17	
Reprimand	14	3	
Suspension	40	7	
Permission to surrender licence	2	0	
Revocation of licence	22	6	
Dismissed/stayed	1	0	
Withdrawn	4	1	
Costs only	1	0	
Interlocutory suspension/restriction	5	0	
Capacity	0	0	
Competency	0	0	
Non-compliance	0	0	
Reinstatement	5	0	
Licensing (including readmission)	4	7	
TOTAL	98	24	
			122

DISCIPLINE ISSUES 2011

	% of Total
CONFLICTS (Lawyer in position of conflict, business/financial relations with client)	9%
FINANCIAL (Mishandling trust accounts, misappropriation, real estate/mortgage schemes)	31%
GOVERNANCE (Failure to co-operate with Law Society, unauthorized practice)	45%
INTEGRITY (Civility, counselling/behaving dishonourably)	38%
CLIENT SERVICE ISSUES (Fail to account, fail to communicate, fail to serve client)	45%
SPECIAL APPLICATIONS (Capacity, good character)	9%

Figures are greater than 100% because some files raise more than one issue

Highlights

2011 New Case Trends

Some trends among complaints emerged:

- Complaints about lawyers (including lawyers and lawyer applicants) increased by 3.4 per cent
- Complaints about paralegals (including licensed paralegals and paralegal applicants) increased by 3.9 per cent
- Complaints alleging unauthorized practice by non-licensees decreased by 23 per cent
- The rate of which the Law Society received new complaints about mortgage fraud increased to an average of four lawyers reported every month.

Paralegal Regulation

In 2008, the Law Society licensed the first group of paralegals in Ontario. As with lawyers, paralegals are regulated in the public interest, and are required to comply with the *Law Society Act*, its regulations, by-laws and the *Paralegal Rules of Conduct*. The Professional Regulation Division responds to complaints about licensed paralegals.

The rate of increase of new complaints against licensed paralegals is levelling off. While the number of new complaints has increased each year since 2009, the rate of increase slowed dramatically in 2011. New complaints against licensed paralegals increased by 6.5 per cent in 2011 over 2010. The increase in 2010 from 2009 was 32 per cent. The increases over the past two years are considered a predictable result of the graduated implementation of licensing and the growth in the overall number of paralegal licensees.

LICENSED PARALEGAL NEW COMPLAINTS

	2010	2011
Received by Professional Regulation Intake	464	494
Closed/resolved by Intake	110	131
Transferred by Intake	365	376
To Complaints Resolution	168	140
To Investigations	197	236
Cases completed by Complaints Resolution	162	167
Cases completed by Investigations	114	217

Paralegal Good Character Investigations and Hearings

The *Law Society Act* requires applicants for licensing as lawyers or paralegals to be of good character. The Law Society assesses good character by requiring all applicants to disclose issues that may bring into question their character. This includes past criminal convictions, as well as penalties imposed by courts, administrative tribunals or other regulatory bodies.

The *Law Society Act* states that no one who meets the other requirements for licensing as a lawyer or paralegal can be refused a licence on the basis of good character without a formal hearing. In 2011, two Notices of Referral for Hearing were issued relating to good character of non-grandparent paralegal licence applicants.

With the implementation of paralegal regulation in 2007, the Law Society processed many grandparent paralegal licensing applications, a number of which raised good character issues. By the end of 2011, these cases were almost entirely completed. Of each of the seven paralegal good character hearings completed in 2011 relating to grandparent paralegal applicants, one applicant withdrew his application, three applicants were granted their Class P1 licences and three applicants were denied licences.

Two decisions were reserved at the end of 2011 and one hearing remained in progress.

Unauthorized Practice of Law/Unauthorized Provision of Legal Services

The *Law Society Act* prohibits individuals who are licensed neither as lawyers nor as paralegals from practising law or providing legal services directly to the public. The Law Society receives a range of complaints about illegal practitioners—from allegations about the advertisement of services, to more serious cases involving alleged representation before courts or in tribunals by persons without a licence.

Starting in 2007, as the Law Society began regulating paralegals, the volume of complaints received about unauthorized practice (UAP) increased significantly. In 2011, the Law Society developed and implemented a multi-language advertising campaign to help raise awareness of the risks of using unauthorized practitioners.

The ads encouraged the public to check the Law Society's free web directory of lawyers and paralegals before committing to a provider. Information on the importance of hiring a licensed legal professional and information on Law Society prosecutions of illegal practitioners, including a list of recently prosecuted fraudsters, was posted on the Law Society website.

In 2011, the Law Society received 255 UAP complaints, a decline of about 23 per cent from the number of complaints received in 2010.

UNAUTHORIZED PRACTICE 2011

New files opened	255
Closed in Intake	87
Transferred for investigation (to Complaints Resolution or Investigations)	208
Investigation completed	188
No evidence of unauthorized practice	51%
Discontinued	32%
Evidence of unauthorized practice	17%

Civility Complaints

The number of civility complaints peaked in 2009 and have declined overall thereafter, with only a slight increase in 2011 over 2010. In 2009 and 2010, in response to the increase in complaints received about a lack of professionalism among legal practitioners, the Law Society developed programs focusing on issues of civility. One such program was the Civility Forum, led by then Treasurer Derry Millar. The Forum consisted of 11 meetings with lawyers and paralegals throughout Ontario to discuss civility and the importance of professionalism. Members of the judiciary provided presentations at these meetings.

CIVILITY COMPLAINTS

	2009	2010	2011
Number of complaints alleging unprofessional conduct by lawyers and paralegals	1,362	1,250	1,287

Mortgage Fraud

The Law Society continues to vigorously investigate and prosecute those accused of mortgage fraud. In 2011, new mortgage fraud investigations were opened against 48 lawyers and 60 investigations were completed—13 of which proceeded to prosecution. At the end of 2011, 49 mortgage fraud prosecution cases remained open. During the year, Hearing Panels concluded 12 hearings of mortgage fraud matters with findings of professional misconduct made in each. In seven of the 12 hearings, panels ordered that the lawyer's licence be revoked. In the remaining five hearings, the lawyer's right to practice law was suspended. Since 2001, the Law Society has completed 68 mortgage fraud prosecutions.

Interlocutory Suspensions

During the course of an investigation or prosecution, the Law Society will take steps to protect the public when evidence reveals ongoing risk of harm. In such circumstances, a motion for an interlocutory suspension can be brought before a Hearing Panel to obtain an order suspending the licensee until the investigation and/or prosecution is completed. In 2011, seven motions seeking an interlocutory suspension of the lawyer's or paralegal's licence were brought before Hearing Panels. In five instances, the lawyer's or paralegal's licence was suspended pending the conclusion of the hearing. Two motions were not concluded as at December 31, 2011, however, in one of the matters, the Hearing Panel ordered an interim suspension pending the hearing of the motion.

The following table sets out the Law Society's experience with interlocutory motions since 2001:

INTERLOCUTORY MOTIONS FOR RESTRICTION OR SUSPENSION

Year	Number of Motions Heard
2001	0
2002	0
2003	1
2004	3
2005	2
2006	3
2007	2
2008	5
2009	7
2010	12
2011	7

Appeals

The Law Society has noted an increase in the volume of appeals from decisions of the Hearing Panel. These cases include appeals by lawyers from decisions concerning misconduct, as well as appeals from decisions concerning the licensing of paralegals in the grandparent process.

APPEALS INITIATED IN LAW SOCIETY APPEAL PANEL

Year	# Appeals re Lawyers	# Appeals re Paralegals	Total # Appeals
2003	8	0	8
2004	10	0	10
2005	4	0	4
2006	13	0	13
2007	11	0	11
2008	14	0	14
2009	14	5	19
2010	15	12 (all Paralegal applicants)	27
2011	16	2	18

APPEALS INITIATED IN THE COURTS

Year	Divisional Court	Court of Appeal
2003	1	0
2004	7	0
2005	1	0
2006	1	1
2007	3	0
2008	8	3 (leave motions)
2009	1	1 (leave motion) 2 (appeals on merits)
2010	2 appeals; 3 judicial reviews	4 (leave motions)
2011	6 appeals; 2 judicial reviews	3 (leave motions)

Cost Recovery

Professional Regulation recovers costs and fees owing to the Law Society. In 2011, the Monitoring & Enforcement Department collected and recovered approximately \$171,000 in costs, bankruptcy dividends and Rule 6.07 fees. The Trustee Services Department recovered \$246,000 in court-ordered costs and \$838,000 in payments to the Compensation Fund pursuant to Judicial Orders.

Law Office Searches

In 2011, Convocation approved the *Guidelines for Law Office Searches*. The Guidelines are now used by lawyers, law enforcement and the Courts. The Guidelines include best practices and guidance for lawyers and will assist in protecting solicitor-client privilege. Professional Regulation staff responds to inquiries concerning law office searches and the Law Society provides the necessary and appropriate support to safeguard client privilege.

National Discipline Standards

The Law Society is a key participant in the National Discipline Standards Project, an initiative of the Federation of Law Societies. The long-term objective of the Project is to develop meaningful national performance standards for all Canadian law societies, against which regulatory work may be measured. In 2011, members of the Project's Steering Committee developed standards around issues such as regulatory timeliness, accessibility and transparency, to be implemented on a pilot project basis.

Other Professional Regulation Activities

Complaints Review

The Complaints Resolution Commissioner (CRC) reviews cases that are closed by staff on completion of an investigation where the complainant is dissatisfied with the manner in which the case was handled. The CRC conducts a review of the investigation and the decision to close the case, typically meeting with the complainant to discuss the matter. The Commissioner is Stindar Lal, Q.C., who was appointed on April 1, 2010.

REQUESTS FOR REVIEWS AND REVIEW MEETINGS HELD

	2010	2011
Requests for reviews	244	238
Cases reviewed	205	248
Decisions rendered	193	260
Recommendation for case to remain closed	160 (83%)	248 (95%)
Recommendation for further regulatory action	33 (17%)	12 (5%)
Director's response to referral back recommendations		
Adopted CRC recommendation	13 (39%)	8 (67%)
Declined CRC recommendation	20 (61%)	4 (33%)

Monitoring & Enforcement

The Monitoring & Enforcement Department is responsible for ensuring compliance with orders and undertakings obtained by the Law Society in the course of its regulatory activities. The department has been responsible since May 1, 2009, for responding to inquiries from the public concerning regulatory matters.

NEW MATTERS IN MONITORING & ENFORCEMENT AND INVENTORY AT YEAR END

	2010		2011	
	New cases	Inventory at year end	New cases	Inventory at year end
Enforcement	21	8	41	24
Bankruptcies	45	103	28	109
Orders	138	340	159	374
Restitution & Judgments	13	47	7	53
Undertakings	63	371	53	339
Orders & Undertakings in Abeyance		519		557
TOTAL	280	1,388	288	1,456

REGULATORY INQUIRIES RESPONDED TO BY MONITORING & ENFORCEMENT

Type of Inquiry		Totals for 2010	Totals for 2011
Email	Number	4,302	2,643
	Licensees	5,976	3,755
Telephone	Number	3,575	1,097
	Licensees	3,944	1,211
Total Inquiries	Number	7,877	3,740
	Licensees	9,920	4,966

Trustee Services

Under Section 49.47 of the *Law Society Act*, the Law Society may seek a trusteeship where a lawyer or paralegal has abandoned their practice, has had their licence revoked or has otherwise ceased to practise or provide legal services. Once the Law Society obtains a voluntary trusteeship or trusteeship order from the Superior Court, the Trustee Services Department takes effective control over client matters related to the professional business. Trustee Services staff also receive and respond to specific client-related requests such as the return of a file or responding to information concerning a professional business.

TRUSTEESHIPS AND CLIENT REQUESTS

	2010	2011
Trusteeships obtained under the <i>Law Society Act</i>	12	11
Trusteeships obtained by negotiated agreement	10	6
Cases in which guidance and information provided on how to wind up a lawyer's law practice	26	36
Client requests received	1,512	1,792
Client requests closed	1,899	1,595

Unclaimed Trust Funds Services

The Law Society has a program (required under the *Law Society Act*) that enables lawyers and paralegals to submit to the Law Society unclaimed trust funds that they have held for at least two years. Members of the public who believe they are entitled to these funds are able to make claims for these funds. Names of those entitled are published from time to time in the *Ontario Gazette*.

UNCLAIMED TRUST FUND – 2011

Applications received	386
Approved	208
Denied	138
Pending	94
Total received	\$180,260
Claims paid (4)	\$27,275

Compensation Fund

For more than 50 years, the Compensation Fund has compensated members of the public who have suffered a financial loss through the dishonesty of a lawyer or paralegal. Clients can apply to the Fund for reimbursement of lost money or property.

Pursuant to the general guidelines for the determination of grants, the Fund can be used to reimburse individuals for up to a maximum of \$150,000 (for lawyers) and \$10,000 (for paralegals).

COMPENSATION FUND – 2011

New claims/applications received	184 claims against lawyers	35 claims against paralegals
Total grants paid	\$1,044,000 on 46 claims against lawyers	\$7,000 on 11 claims against paralegals

Promoting equity and diversity

The Law Society is committed to promoting equality, diversity and access to justice and has established a strong infrastructure to develop initiatives and programs that promote a diverse legal profession.



Justicia and the Retention of Women Lawyers



The implementation of the recommendations in the *Retention of Women in Private Practice Report* continued to be a priority in 2011. Justicia, a three-year pilot project, involves firms sharing best practices to promote the retention and advancement of women in the private practice of law.

Participation of more than 55 law firms in the Justicia project demonstrates the profession's strong commitment to the adoption of programs to retain women in private practice. Since the Justicia project launched in 2008, participants have worked with the Law Society to create resources for firms, such as guides to developing policies for parental and maternity leaves and flexible work arrangements, a profitability template to calculate the financial impact of flexible work arrangements on law firms and a guide to assist law firms in gathering gender demographic data.

The most recent guides are *Career Advancement into Partnership* — a guide for law firms and a guide for associates, to support women lawyers in their advancement from associates to partners.



The **Parental Leave Assistance Program** is now in its third year of implementation. This three-year pilot program is designed to support lawyers in sole practices and partners in small firms of five or fewer lawyers to maintain their practices after the birth or adoption of a child. Under the program, the Law Society provides a fixed sum of \$750 a week to eligible applicants for up to 12 weeks. Since the program's inception in March 2009 and up to the end of 2011, 178 applications from both men and women were approved.

The **Contract Lawyers' Registry** is a list of lawyers from across the province who are available to work on a contract basis. It provides valuable support, particularly for sole and small firm practitioners who may require additional assistance on a short-term or contract basis. The number of contract lawyers registered with the Contract Lawyers' Registry increased in 2011 to approximately 145. There were approximately 280 requests for contract lawyer contacts in 2011.

The Law Society also continued to add information to its **Women's Online Resource Centre (WORC)** in 2011. WORC provides quick access to a host of invaluable resources for women in the legal profession. As well, the Law Society hosted a number of workshops and networking opportunities for women lawyers across Ontario, in partnership with women's organizations, such as the Women's Law Association of Ontario, the Feminist Legal Analysis Committee of the Ontario Bar Association and the Legal Education and Action Fund. In 2011, the Law Society also partnered with the U.S. National Conference of Women's Bar Associations to host the conference entitled, *Women's Bar Leadership Summit: Strengths Across Borders*.

In December 2011, the Law Society adopted the **Career Coaching Program**. Designed for women lawyers in sole practice and firms of five lawyers or fewer, the program will offer eligible participants up to six hours of confidential career coaching, free of charge, to help them plan and transition effectively into a maternity, parental or compassionate care leave and return to practice. The program launched in April 2012.

Change of Status Survey

In 2011, the Law Society continued a voluntary Change of Status Survey with lawyers who change their primary businesses or status in the legal profession. The survey identifies trends and compiles information relating to reasons for movement in the profession. Results from the 2010 survey are available online. The survey launched in 2009 and is expanding in 2012 to study the movement of paralegals who change their primary businesses or status.

Demographic Data Collection

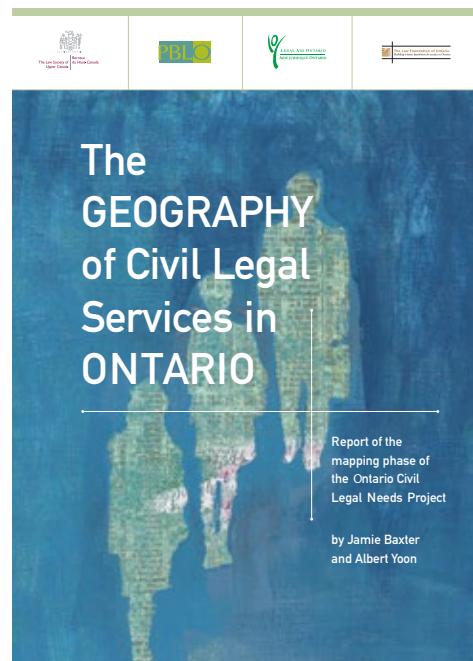
The Law Society approved a voluntary question in the 2009 Lawyer and Paralegal Annual Reports asking respondents to self-identify—on a confidential basis—as members of Francophone, Aboriginal or equality-seeking communities. Each year, the Law Society gathers these statistics to better understand demographic trends in the profession, to develop programs and initiatives, and to promote equality and diversity in the profession. Snapshots of the lawyer and paralegal professions are available online.

Policy Development

As part of a series of guides offered by the Law Society to assist law firms and legal organizations in developing their own resources and practices, the Equity and Aboriginal Issues Committee developed and/or adopted the following in 2011:

- *Summary of Fair Hiring Practice Guidelines*
- *Accessibility for Ontarians with Disabilities Act, 2005 - Guide to Developing a Customer Service Accessibility Policy*
- *The Provision of Legal Services in Cases Involving Claims of Sexual Abuse – An Educational Guide for Lawyers and Paralegals*
- *Preventing Harassment, Discrimination and Violence in the Legal Workplace: Guide to Developing Policies for Law Firms or Legal Organizations.*

In addition, the Equity and Aboriginal Issues Committee prepared and/or made submissions to the Ontario Law Commission regarding *The Law as it Affects Persons with Disabilities* and to the Canadian Bar Association on its consultation paper, *Measuring Diversity in Law Firms – A Critical Tool for Achieving High Performance*.



Ontario Civil Legal Needs Project

The Law Society, Pro Bono Law Ontario and Legal Aid Ontario continued in 2011 to partner in the Ontario Civil Legal Needs Project, a legal research initiative to identify and address some of the obstacles faced by low- and middle-income Ontarians in obtaining meaningful access to justice. The project was also funded by the Law Foundation of Ontario.

A report outlining the findings of the second phase of the project, *The Geography of Civil Legal Services in Ontario* was released in November 2011 and is available online. It provides a comprehensive set of maps to help describe the market for legal services in Ontario, as well as information useful in determining how this market might be structured differently to better serve low- and middle-income Ontarians with civil legal needs.

Studies Underway

Results of two studies undertaken by Professor Fiona Kay are expected in 2012. These studies are the culmination of a 20-year longitudinal study of Ontario lawyers, beginning in 1990, which focus on job transitions, as well as departures from and re-entries to the practice of law.

Promoting Equality and Diversity through Committees and Working Groups

The Law Society develops policies and programs to promote equality and access to justice through committees and working groups of benchers, lawyers and paralegals. Some of the active committees and working groups in 2011 are described below.

The **Equity and Aboriginal Issues Committee (EAIC)** develops policy options for the promotion of equality and diversity in the legal profession, as well as for all matters related to Aboriginal Peoples and the Francophone community. In 2011, the committee approved and monitored the activities described on the previous page.

The **Access to Justice Committee** develops recommendations for policy options that promote access to justice. In 2011, the committee undertook policy development activities that included the Ontario Civil Legal Needs Project, the adoption of a proposal to develop a unified family law platform, and a long-term strategy to enhance access to justice.

The **Equity Advisory Group (EAG)** is composed of lawyers and legal organizations that provide input on the development of policies and practices related to equality within the profession and within the Law Society. In 2011, the EAG provided comments on the following policy resources that were under development:

- *The Provision of Legal Services in Cases Involving Claims of Sexual Abuse—An Educational Guide for Lawyers and Paralegals*
- *Preventing Harassment, Discrimination and Violence in the Legal Workplace: Guide to Developing Policies for Law Firms or Legal Organizations*
- *Accessibility for Ontarians with Disabilities Act, 2005—Guide to Developing a Customer Service Accessibility Policy.*

The **Retention of Women in Private Practice Working Group**

Working Group is composed of benchers and women lawyers with experience in developing programs for women in the legal profession, and more particularly, in private practice.

The **Return to Practice Working Group** was created to identify strategies and develop resources to facilitate the return of women lawyers to the workforce following extended absences. In 2011, the working group proposed the creation of the Career Coaching Program for women lawyers in firms of five lawyers and fewer, including sole practitioners, who take maternity, parental or compassionate care leaves.

The **Aboriginal Working Group** is implementing the *Final Report of the Aboriginal Bar Consultation*. The Lawyer Annual Report was modified to add “Aboriginal law” as a practice category, which will provide empirical data on how many

lawyers practise in this area. In 2011, the Aboriginal Initiatives Counsel and members of the EAIC travelled across the province to network with Aboriginal lawyers and students.

The **Human Rights Monitoring Group** reviews information about worldwide human rights violations that target lawyers and judges in the performance of their professional duties, and recommends Law Society interventions. In 2011, the Law Society made over 10 interventions.

The Monitoring Group held its third Rule of Law Education Series event with partner The Metro Toronto Chinese & Southeast Asian Legal Clinic. The event featured the launch of *Road to Justice*, a website dedicated to increasing awareness of the historical injustices imposed by Canadian governments on people of Chinese descent in Canada.

Discrimination and Harassment Counsel Program

The Discrimination and Harassment Counsel (DHC) Program provides free, confidential advice, in French and English, to members of the public and the legal profession who believe they have been harassed or discriminated against by a lawyer or a paralegal. Cynthia Petersen is the DHC. In 2011, the two Alternate DHCs, Lynn Bevan and David Bennett, were reappointed to their positions.

In 2011, 188 people contacted the DHC with new matters; 48 raised specific complaints of discrimination or harassment by a lawyer, paralegal, or law firm in Ontario. The most common grounds of complaints were sex (35 per cent), disability (17 per cent), race (15 per cent) and sexual orientation (10 per cent). Complaints based on grounds such as marital status, family status, age, ancestry, religion, ethnic origin and place of origin were also raised.

In 2011, the DHC addressed four complaints of harassment and discrimination by paralegals. The complaints made against paralegals were based on the grounds of disability, race and sexual orientation.

Professional Development

In 2011, professional development programs on topics such as human rights were delivered to more than 500 law students, lawyers and paralegals.

Collaborating with Communities

Collaborating organizations include: the Aboriginal Legal Services of Toronto, ARCH Disability Law Centre, the Arab Canadian Lawyers Association, Amnesty International Canada, the Association des juristes d’expression française de l’Ontario, B’nai Brith Canada, the Barbra Schlifer Commemorative Clinic, the Black Law Students’ Association of Canada, the Canadian Association of Black Lawyers, Canadian Lawyers Abroad, Canadian Lawyers for International Human Rights, the

City of Toronto, the Federation of Asian Canadian Lawyers, the Feminist Legal Analysis Section of the Ontario Bar Association (OBA), the Hispanic Ontario Lawyers Association, Human Rights Watch Canada, the Indigenous Bar Association, Lawyers' Rights Watch Canada, Legal Aid Ontario, the Métis Nation of Ontario, the Official Languages Committee of the OBA, Pro Bono Law Ontario, the Sexual Orientation and Gender Identity Section of the OBA, the South Asian Bar Association of Toronto, the South Asian Legal Clinic of Ontario, the Women's Law Association of Ontario and the Women's Legal Education and Action Fund.

Equity and Diversity Mentorship Program

The Equity and Diversity Mentorship Program matches mentors who are experienced members of the bar with new lawyers, Licensing Process candidates and students in law school, university and high school. In 2011, 71 lawyer mentors and one paralegal mentor were registered as volunteer mentors in different areas of law and 27 mentees (paralegals, lawyers and students) were assisted by the program.

Career Symposiums for Aboriginal Students

In 2011, the Law Society organized its eighth Aboriginal Law Career Symposium for law students. The event, which was accredited for Professionalism Hours under the Law Society's CPD program, gives Aboriginal and non-Aboriginal students from Ontario law schools an opportunity to meet with Aboriginal lawyers, judges and leaders of Ontario's legal profession to discuss issues around practising Aboriginal law, law practice management and providing legal services to Aboriginal clients. Three events were held in Toronto, Windsor and Ottawa.

Equity Public Education Series

The Law Society works in partnership with a number of legal stakeholders to promote awareness and discussion among members of the public and the legal profession on the challenges and opportunities for Francophone, Aboriginal, and equality-seeking communities in law and the legal profession. Events, such as public forums and seminars, are planned throughout the year to mark dates of public significance, including Black History Month, International Women's Day, Journée internationale de la Francophonie, National Holocaust Memorial Day, National Aboriginal History Month, Asian and South Asian Heritage Month, Access Awareness Week, Pride Week and Louis Riel Day.



National Holocaust Remembrance Day



National Aboriginal History Month



Pride Week



Louis Riel Day



Black History Month

Getting the message out strategically

The Law Society maintains an active communications strategy designed to make it easier for the public to find a lawyer or paralegal to help them navigate the justice system and obtain assistance with legal issues. The Communications Department aims to deliver news and information relevant to the profession and the public in spaces where they are most active. Increasingly, that includes the online world. Many of the department's communications initiatives focus on keeping lawyers and paralegals current with changes in policy, rules and regulations and with other issues that affect the profession.

Strategic Initiatives

Over the past few years, Communications has been implementing enhancements to the major components of its communications strategy. This work was guided by findings from surveys conducted in 2009 of the public and lawyers. The surveys focused on perceptions of the Law Society publications *Ontario Lawyers Gazette* and the *Ontario Reports*, as well as perceptions of the Law Society's website, digital newsletters and social media initiatives.

Website

Communications reconfigured the Law Society website significantly in 2010 to make it easier for the public to find the services and information they seek most often. In 2011, Communications worked with an agency to redesign the site based on recent research findings, web analytics and best web design practices.

The new site makes more effective use of visuals, has enhanced navigation and functionality based on user needs and has a more contemporary look and feel, while still adhering to accessibility standards. Communications created a short YouTube video to explain some of the key features of the new site and to help users navigate their way through it.

When Communications launched the new site in September 2011, new monitoring software to analyze our web traffic was installed. In the last four months of 2011, more than 107,000 unique visits to the site generated more than half a million page views.

Videos

A sixth vignette was added to the "Your Law" YouTube series, in 2011. Each video aims to demystify some of the common legal issues members of the public face. The series also demonstrates how lawyers and paralegals are helpful and accessible. The first five videos, featuring lawyers, focused on areas of law, which frequently engage low- and middle-income Ontarians, as revealed in the Ontario Civil Legal Needs Project. The sixth video explains the situations where paralegals can be helpful, such as in Small Claims Court or with a traffic offence.

The screenshot shows the homepage of the Law Society of Upper Canada. At the top, there is a navigation bar with links for 'Home', 'LSUC Portal', 'Benchmarks', 'Français', and a search function. Below the navigation is a main banner featuring a woman in a professional suit and text about CPD hours. To the right of the banner is a sidebar titled 'For the Public' with links for finding a lawyer, making a complaint, discipline information, and career opportunities. The central area contains several promotional boxes for events like International Women's Day, a survey for paralegals, and an historic legal summit. At the bottom, there are sections for 'For Lawyers and Paralegals' and 'Latest News'.

Research

In 2011, Communications built on previous research conducted in 2009 by holding focus groups with newly called lawyers to explore their use of Law Society communications vehicles and to solicit recommendations for improvement. Quantitative surveys were completed in early 2012. Communications will continue to use research findings to improve how information is delivered to the profession.

Publications

The findings from the qualitative study guided a redesign of the print version of the *Ontario Lawyers Gazette*, now called the *Gazette*. In addition, they provided the groundwork for the creation of an online version of the publication, which launched in spring of 2012. The new microsite, lawsocietygazette.ca, allows for more timely communication with lawyers and paralegals to help keep them up-to-date on rule changes, practice tips, CPD offerings and more. A selection of photo galleries and videos add dimension to stories that have traditionally appeared in the print version.

Communications continues to publish *Convocation News*, the e-newsletter sent to lawyers and paralegals via email the same day as each Convocation meeting, as well as *Paralegal UPDATE*, the e-news bulletin for paralegals. These publications continue to garner positive feedback from readers.

Unauthorized Practice Advertising Campaign

Communications developed and implemented a pilot advertising campaign in five Asian and South Asian languages to help raise awareness about the risks of using unauthorized practitioners. Launched at the end of 2011, the campaign urged people to protect themselves by checking the Law Society's free web directory to ensure any lawyer or paralegal they hire is licensed. Radio and print ads were produced and broadcast in Hindi, Urdu, Punjabi, Mandarin and Cantonese.

During the campaign, there was a significant increase in visitors to the Law Society's online directory and related pages, which outlined types of fraud and unauthorized practice and included information about Law Society prosecutions of illegal practitioners.



Media Relations

The media play a key role in disseminating information to the public, lawyers and paralegals. Overall, there were 372 mentions of the Law Society in print, broadcast and online media stories in 2011. A total of 344 inquiries were received from media outlets and reporters, including 58 requests for interviews. In 2011, the 10 most popular media stories about the Law Society consisted of:

1. Discipline cases
2. 2011 Bencher Election
3. High-profile good character hearings
4. High-profile mortgage fraud arrests
5. Law Society Awards
6. Articling/Articling Task Force
7. Convocation news (committee reports, Convocation decisions)
8. Access to justice
9. Justicia project; Parental Leave Assistance Program
10. Equity events.

Also in 2011, the Law Society:

- Distributed 56 media releases and advisories (48 in English, 8 in French) about a variety of issues of importance to the public and the profession.
- Distributed 11 tribunal decision news releases and 51 weekly decision summaries. Numerous media outlets throughout the province routinely report these hearing results. In 2011, Communications maintained a list of more than 90 members of the media who have asked to receive these summaries.

Program Support

Communications provided support to a number of key Law Society programs and initiatives throughout the year, including the Retention of Women in Private Practice initiatives, the Ontario Civil Legal Needs Project, the Treasurer's Outreach initiative, the Racialization and Gender of Lawyers in Ontario report, Law Society Governance, the Articling Task Force and the new Continuing Professional Development requirement.

Communications also provided support to generate interest among lawyers about the 2011 Bencher Election and to encourage nominees and voter participation. The department developed and implemented a comprehensive strategy using a range of electronic and print media to ensure that all lawyers had access to information about the candidates and the election process.

Throughout 2011, Communications staff also worked with the members of the Law Society's Equity Initiatives Department to promote and host 12 Public Education Equality and Rule of Law Series events.

New technologies to drive service improvements

The Information Systems (IS) Department manages the business information systems, computing infrastructure, communication networks and databases of the Law Society.

To fulfil the Law Society's mandate, it is essential that we use business applications that are effective and efficient, and that provide our staff, our members and the public with ready access to information.

The IS strategy focuses on five main areas:

- Greater user access to information to increase staff efficiency and effectiveness
- Innovative design and delivery of business applications to support Convocation's priority programs
- Modernization of older applications to ensure they continue to operate effectively
- Enhanced security in the protection of confidential information
- Socially responsible computing, and reduction of paper usage through the use of energy efficient technologies and the availability of more online information, reports and transactions.

LSUC Portal, CPD Reporting and Other Online Processes

IS focuses on maintaining a reliable computing infrastructure and business systems, and building new capabilities to support both the Law Society's business needs and Convocation's priorities. The department completed a number of significant projects that have improved the efficiency and effectiveness of the operating divisions involved, and improved overall service to our stakeholders. Completed projects in 2011 include the following:

- The LSUC Portal is now available to all lawyers and paralegals. It enables lawyers and paralegals to conduct transactions securely, such as notifying the Law Society of changes of information, practice status or business contacts, and reporting CPD Hours taken towards CPD credits. This new system represents a new approach to service delivery and communications with lawyers and paralegals. Over 42,000 members are using the Portal, as of April 2012.
- E-filing for the Lawyer and Paralegal Annual Reports is now part of the LSUC Portal.
- The 2011 Bencher Election was the first one conducted almost entirely online. Policy and IS worked with an external organization to conduct the election and to enable candidates to campaign by email.

- Our membership systems were upgraded to add new types of licensees, including the L3 licence for Quebec mobility lawyers.
- In December 2011, the Lawyer Referral Service was expanded to enable the public to request a referral online.

BoardBooks

Working with our Policy department, IS has begun the rollout of an online system for Convocation and Committee meetings. This innovative new system, called BoardBooks, gives the benchers the ability to use a laptop or iPad to manage the many reports and documents that they need for these important meetings. In turn, this will lead to significant savings for the Law Society in reduced paper and distribution costs.



New Computing and Network Technologies

The Law Society continued to upgrade its computing and network infrastructure to support our growing need for more and faster processing. Our aging IBM AS/400 computers were replaced with new IBM POWER7 servers that provide significantly more capacity to manage our business systems.

Project Evergreen

The organization continued to implement Project Evergreen to replace outdated computers with more energy efficient models, saving overall costs to the organization. Through the recycling and disposal policy, the Law Society has either donated old computers to charities or disposed of them in a secure, environmentally friendly manner.

Fostering a culture of leadership and excellence

The Human Resources Department strives to cultivate a thriving workplace that establishes the Law Society as an employer of choice and ensures that we can provide high quality professional service to the public, lawyers and paralegals. Strong, effective leadership is an important part of the Law Society's culture, and leadership development is about enhancing the Law Society's performance and increasing professionalism.

Leadership Development

The fifth cohort of participants in the Leadership Edge Program, delivered through the Joseph L. Rotman School of Management at the University of Toronto, started in April 2011 and graduated in early December 2011. This cohort is made up of participants from the Law Society, the College of Nurses of Ontario (CNO), and the Ontario Securities Commission (OSC). Having participants from the OSC and the CNO continues to enhance the experience of the program for our employees as well as raise the profile of the Law Society as a "leader" in leadership development amongst Ontario regulators.

Your Real Deal

In April 2011, the Law Society launched a website where employees can view a personalized total rewards statement ("Your Real Deal"). Updated twice a year, the electronic statement provides employees with a snapshot of their total compensation package, including information about pay, group and retirement benefits as well as the monetary value of vacation.

Your Real Deal also reinforces the value of the Law Society's less tangible benefits, such as work/life programs, learning and development, and flexible work arrangements. It is an important tool to engage and motivate employees.

Greater Toronto's Top Employers

Understanding our employees' needs has made us one of Greater Toronto's Top Employers. October 2011 marks the sixth year the Law Society has been named one of Greater Toronto's Top Employers, and the ninth year as a Top Employer. In a marketplace where key talent recruitment and retention are essential to the Law Society's success, this designation recognizes the Law Society as one of Greater Toronto's exceptional places to work. Being publicly recognized as an industry leader is an important validation of the Law Society's dedication to employ best human resources practices.

View the value of your pay, group benefits and pension

It's Here!

Your Real Deal

Go to ELF and click on Your Real Deal

www.lsuc.on/YourRealDeal

Log on to be eligible to win

2 iPod Shuffles
2 Preloaded Reward Cards
1 Lunch for 2 Osgoode Hall Restaurant

ELF
The Law Society of Upper Canada



Managing our financial resources

The Law Society's Finance Department is committed to continuous improvements in the way it manages and reports the organization's finances. The 2011 audited annual financial statements, reporting financial results for the Law Society, are contained in a separate publication, available upon request or from the Law Society's website.

In December 2010, the Canadian Institute of Chartered Accountants issued a new accounting framework applicable to not-for-profit organizations. Effective for fiscal years beginning on or after January 1, 2012, not-for-profit organizations will have to choose between Canadian accounting standards for not-for-profit organizations and International Financial Reporting Standards (IFRS). The Law Society has adopted standards for not-for-profit organizations and determined that the impact of adopting these standards will be insignificant on its financial statements.

The Law Society's non-consolidated subsidiaries, The Lawyers' Professional Indemnity Company ("LAWPRO") and LibraryCo Inc., continue to report on the results of their own operations separately. LAWPRO continues to manage the day-to-day operations of the Law Society's Errors & Omissions Insurance (E&O) Fund under the terms of a management services agreement.

2011 Financial Statements

In 2011, the Law Society's total Fund Balances declined by \$3.6 million compared to an increase of \$7.2 million in 2010. The decline in 2011 arose primarily from amortization on capital assets and the operations of the Compensation Fund. The increase in 2010 arose primarily from a one-off legal settlement in the Law Society's E&O Fund and also favourable developments in the Compensation Fund's reserve for unpaid grants.

Results of 2011 Operations — General Fund

The Law Society's General Fund (the fund that reports the bulk of the operations related to the Law Society's regulatory and competence mandates for lawyers and paralegals) finished the year with an increase in the Fund Balance for lawyers of \$2.3 million and a decline of \$543,000 for paralegals. The financial plan, as represented by the 2011 budget, incorporated a potential decline of \$2.5 million for lawyers and \$910,000 for paralegals.

Professional Development and Competence revenues have increased from \$12 million to \$16 million as a result of increased attendance at Continuing Professional Development programs, as well as fee revenue associated with an increased number of licensing candidates.

Regulatory expenses of \$21 million are \$1 million higher than in 2010. The 2011 budget envisaged this increase as more resources were required in a number of different areas. Professional Development and Competence expenses of \$20 million are \$2 million higher than in 2010 to fund the development of increased programming for the Continuing Professional Development requirement.

Results of 2011 Operations — Compensation Fund

The Compensation Fund is maintained to mitigate losses sustained by a client as a consequence of a lawyer's or paralegal's dishonesty. The balance in the Compensation Fund stands at just over \$23 million for lawyers and \$217,000 for paralegals.

Results of 2011 Operations — E&O Fund

The E&O Fund accounts for insurance-related transactions between LAWPRO, the Law Society and insured lawyers. Premiums remitted to LAWPRO increased from \$95 million in 2010 to \$104 million in 2011. The base premium per lawyer increased \$400 from 2010 to \$3,350 per lawyer for 2011.

Results of 2011 Operations—County Libraries Fund

Results for the 2011 year identify a deficit of \$61,000 compared to a deficit of \$31,000 in 2010. This deficit was financed by the General Fund.

The Finance Department continues to provide financial services to LibraryCo Inc. through the administrative services agreement that includes preparation of financial reports, development of the annual budget and administrative assistance to county law associations on financial matters.

Parental Leave Assistance Program

This program is designed for lawyers in practices of five or fewer lawyers, to help them maintain their practices after the birth or adoption of a child. Under the program, the Law Society provides a fixed sum of \$750 a week to eligible applicants for up to 12 weeks. The number of applicants approved is consistent with the uptake predicted by the actuarial study prepared during the consultation phase of the program development. For 2011, the actuary estimated payments totalling \$540,000, compared to actual payments totalling \$495,000. This three-year pilot program started in March 2009. In 2011, Convocation extended the program to the end of 2012.

Risk Management

In 2011, the Finance Department commenced an organization-wide initiative to enhance our awareness and management of risk. The goal is to have a more formal, prioritized listing of key processes ranked based on risk exposure, ensuring significant or potential risks to the Law Society are identified and effectively eliminated or mitigated and managed.

Catering

The Catering Department enjoyed a good year in 2011 with increased revenues in virtually all areas. For instance, more customers meant sales in the dining room increased by eight per cent.

Lawyers Feed the Hungry Program

The Lawyers Feed the Hungry Program (LFTP), a program funded by charitable donations to The Law Society Foundation (LSF), comprises programs in Toronto, London, Ottawa and Windsor. The Finance and Catering departments continue to play key roles in assisting the programs. In Toronto, Catering is actively involved in the sourcing of food and supplies, the planning of menus and assisting in the preparation of meals. The Finance Department administers the LSF and receives charitable donations for the LFTP program, ensuring compliance with Canada Revenue Agency requirements for charities. Outside of the Toronto program, staff liaise with volunteer program coordinators on financial and fundraising matters and provide funding from donations received in support of these programs.

Overall Annual Fees and Premiums

The Law Society's General Fund and Compensation Fund are primarily funded by lawyers and paralegals paying annual fees as set out below. Lawyers also fund the operations of the County and District Law Libraries under the administration of LibraryCo Inc. and the compulsory professional liability insurance program via the E&O Fund.

In November 2011, Convocation approved the 2012 budgets for lawyers and paralegals and in September 2011, Convocation approved LAWPRO's report for the 2012 insurance year, resulting in the following fees and premiums:

LAWYERS

	2010	2011	2012
General Annual Fee	\$1,211	\$1,292	\$1,326
County Library Annual Fee	203	196	203
Compensation Fund Annual Fee	257	222	222
Capital Annual Fee	65	75	75
Total Annual Fees	\$1,736	\$1,785	\$1,826
Base Insurance Premium	2,950	3,350	3,350
Total Annual Fees and Premiums	\$4,686	\$5,135	\$5,176

PARALEGALS

	2010	2011	2012
General Annual Fee	\$685	\$711	\$693
Compensation Fund Annual Fee	183	171	214
Capital Annual Fee	65	75	75
Total Annual Fees	\$933	\$957	\$982

Looking Ahead

The Law Society's 2012 budget maintains the organization's commitment to its core regulatory and competence programs and includes a contingency amount for access to justice and other programs which are still to be developed after the planning session for the 2011–2015 Bench. Specifically, the 2012 budget includes:

- An increase of \$2.8 million in the Professional Regulation budget, primarily due to the continued increase in the number of complaints and discipline hearings
- Increased staffing in the Client Service Centre due to increased demand for services and access to justice initiatives
- An increase of \$1.1 million in the Professional Development and Competence budget, primarily related to the approval and implementation of the Continuing Professional Development requirement.

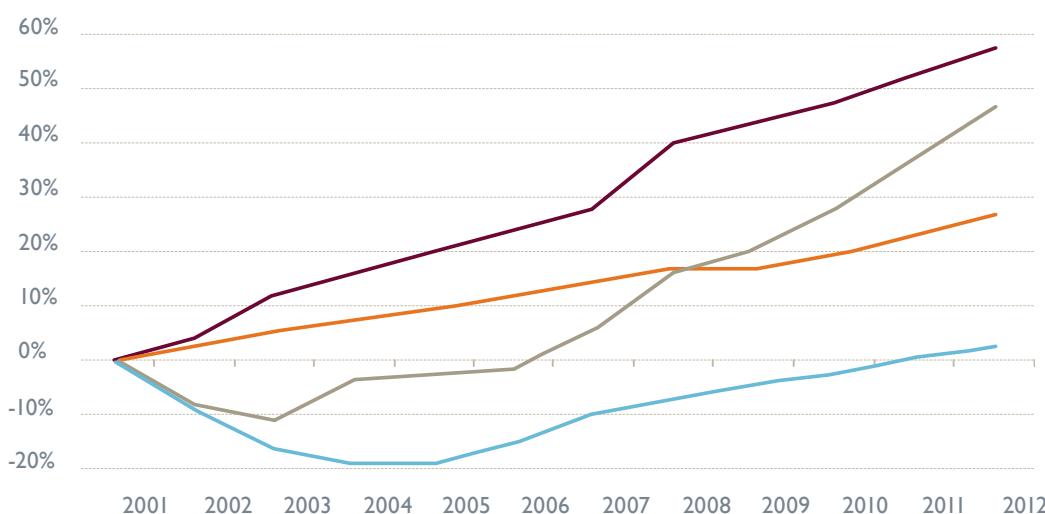
The 2012 annual fee for lawyers, at \$1,826, is only nominally higher than the \$1,782 fee in 2001. The 2012 annual fee for paralegals is \$982. Since 2001, the cumulative increase in the Consumer Price Index (CPI) has been 26 per cent. The number of lawyers has increased by 44 per cent over this time and the implementation of paralegal regulation occurred during the last four years of that period. Despite this burgeoning workload, the Law Society's financial condition has improved with increased reserves and fund balances.

COMPARATIVE FINANCIAL TRENDS

- Membership*
- Consumer Price Index (CPI)**
- Total Expenses*
- Lawyer Annual Fee

* Includes Paralegal data for 2008 – 2012

** Assumes change in 2012 CPI is consistent with 2011



Convocation Committee Chairs

- Marion Boyd, Access to Justice
Mark Sandler, Appeal Panel
Christopher Bredt, Audit; Government and Public Affairs
Laurie Pawlitzka, Compensation; Priority Planning
Susan McGrath, Compensation Fund
Janet Minor, Equity and Aboriginal Issues
Carol Hartman, Finance
Julian Porter, Government and Public Affairs; Proceedings Authorization
Alan Gold, Hearing Panel
Constance Backhouse, Heritage
Thomas Conway, Inter-Jurisdictional Mobility; Professional Development & Competence
John Campion, Litigation
Cathy Corsetti, Paralegal Standing Committee
Paul Schabas, Professional Regulation
Raj Anand, Tribunals

Elected Paralegal Members of the Paralegal Standing Committee

- Robert Burd
Cathy Corsetti, Chair
Paul Dray, Bencher
Michelle Haigh, Bencher
Kenneth Mitchell





Treasurer

Laurie H. Pawlitz

Elected Benchers

Raj Anand, LSM
 Constance Backhouse, C.M., O.Ont., LSM
 Jack Braithwaite
 Christopher D. Bredt
 John E. Callaghan
 John A. Campion
 Thomas G. Conway
 Mary Louise Dickson, O.Ont., Q.C.
 Adriana Doyle
 Lawrence Alexander Eustace
 Robert F. Evans, Q.C.
 Julian N. Falconer
 Alan D. Gold
 Howard Goldblatt
 Jennifer A. Halajian
 Susan M. Hare
 Carol Hartman
 Jacqueline Horvat
 Janet Leiper
 Michael M. Lerner
 M. Virginia MacLean, Q.C., LSM
 William C. McDowell
 Susan T. McGrath
 Wendy Matheson
 Malcolm M. Mercer
 Janet E. Minor
 Barbara J. Murchie
 Julian Porter, Q.C.
 Judith M. Potter
 Nicholas John Pustina, Q.C.
 Susan Richer
 Linda R. Rothstein, LSM
 Mark Sandler
 James A. Scarfone
 Paul B. Schabas
 Alan G. Silverstein, C.S.
 Joseph J. Sullivan, C.S.
 Beth Symes, C.M., LSM
 Robert Wadden
 Peter C. Wardle

Appointed Benchers

Marion Boyd
 S.M. Aslam Daud, M.B.B.S.
 Seymour Epstein, P.Eng.
 Dow Marmur
 Jack Rabinovitch, O.C., O.Ont.
 Jan Richardson
 Baljit Sikand
 Catherine Strosberg

Paralegal Benchers

W. Paul Dray
 Michelle Haigh

Ex-Officio Benchers

The Hon. John Gerretsen, MPP
 Bob Aaron
 Larry Banack
 The Hon. Christopher Bentley
 Michael J. Bryant
 The Hon. W. Dan Chilcott, Q.C.
 John T. Clement, Q.C.
 Austin M. Cooper, Q.C.
 Paul Copeland, C.M.
 E. Susan Elliott, LSM
 Abraham Feinstein, Q.C., LSM
 The Hon. Lee K. Ferrier, Q.C.
 Neil Finkelstein
 The Hon. James M. Flaherty, P.C., MP
 Patrick Garret Furlong, Q.C., LSM
 Gary Lloyd Gottlieb, Q.C.
 The Hon. John D. Ground, Q.C.
 Howard G. Hampton
 Charles A. Harnick, Q.C., LSM
 George D. Hunter
 Vern Krishna, C.M., Q.C., FRSC
 Gavin MacKenzie
 Ronald D. Manes
 The Hon. R. Roy McMurtry, O.C., O.Ont., Q.C.
 W. A. Derry Millar
 Daniel J. Murphy, Q.C.
 Ross W. Murray, Q.C.
 Alan W. Pope, Q.C.

The Hon. Sydney L. Robins, Q.C., LSM

The Hon. Allan Rock, P.C., Q.C.
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 Clayton Ruby, C.M.
 Arthur R.A. Scace, C.M., Q.C.
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 Robert C. Topp
 J. James Wardlaw, Q.C., LSM
 Bradley H. Wright
 Roger D. Yachetti, Q.C.
 David S. Young

Honorary Benchers

His Royal Highness Prince Charles,
 The Prince of Wales
 The Right Honourable The Baroness
 Thatcher, L.G., O.M., P.C.
 The Hon. Lincoln M. Alexander,
 P.C., C.C., O.Ont., C.D., Q.C., LSM
 Marshall A. Crowe, LSM (Emeritus)

Membership – 2011

Peter Wardle was elected a bencher on May 26, 2011 as a result of the vacancy created by the election of the Treasurer.

Jan Richardson was appointed a lay bencher on May 26, 2011.

Lay benchers Marion Boyd, Seymour Epstein, Dow Marmur, Jack Rabinovitch, Baljit Sikand and Catherine Strosberg were reappointed on May 1, 2011.

Bonnie Tough, a former bencher, passed away on April 20, 2011.

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