

MOTION
LSO ANNUAL GENERAL MEETING, MAY 11, 2022

WHEREAS Lawyers and Paralegals in the Province of Ontario have been granted the privilege of self-regulation in the practice of law and provision of legal services in Ontario, initially through the Law Society of Upper Canada and now continued through the Law Society of Ontario;

WHEREAS the Law Society of Ontario has been granted a monopoly in regulating the practice of law and the provision of legal services in the Province of Ontario;

WHEREAS the Law Society of Ontario has a duty to maintain the cause of justice and the rule of law;

WHEREAS the Law Society of Ontario has a duty to act so as to facilitate access to justice for the people of Ontario;

WHEREAS the Law Society of Ontario has a duty to protect the public interest;

WHEREAS the Law Society of Ontario has a duty to act in a timely, open and efficient manner;

WHEREAS the Law Society of Ontario has undertaken to set standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services proportionate to the significance of the regulatory objectives sought to be realized;

WHEREAS some 57% of Family Law Litigants are unrepresented in Family Court, according to Justice Bonkalo's report;;

WHEREAS Ontario Family Law lawyers surveyed in 2011 reported overwhelmingly (81%) that the number of unrepresented litigants has increased since 2006 and in one Court reported the representation rate had fallen from 89% in 1992 to 59.2% in 2001 and continues to fall;

WHEREAS the Law Society of Ontario has received the Bonkalo report on Family Law and a report from the Access to Justice Committee, both of which recommend licensing paralegals to assist in this crisis;

WHEREAS the Law Society of Ontario has a complete set of training materials for Family Law within its licensing process for lawyers;

WHEREAS the Law Society of Ontario has had ongoing discussions about paralegal regulation in Family Law since undertaking the regulation of paralegals in 2007;

WHEREAS in December 2017 the Law Society of Ontario through Convocation agreed in principle to allow paralegals to do Family Law work;

WHEREAS the Access to Justice Committee took over four years to develop a comprehensive plan;

WHEREAS the comprehensive plan placed an emphasis on educational and professional competencies to allow for paralegals to provide limited family law services;

WHEREAS the Access to Justice Committee's report was unexpectedly removed from the February 2022 Convocation agenda, bowing to pressure from family law lawyers, rather than the Law Society of Ontario meeting its legislated duties of facilitating access to justice, protecting the public interest, and acting in a timely, open and efficient manner;

WHEREAS the Law Society of Ontario has failed to take action to license paralegals to provide access in Family Law;

And WHEREAS the Law Society of Ontario has failed to take any meaningful and effective action to assist the public with access to representation in Family Law;

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FURTHER

WHEREAS The crisis of Access to Justice is reflected in increasing demand from Pro Bono Ontario (153%) and where increasing numbers of self-represented litigants are appearing in Civil Courts(18%) and Small Claims Court (13%) and those numbers are increasing;

WHEREAS the Law Society of Ontario has failed to take any meaningful or effective action to address this increasing crisis;

WHEREAS legal aid funding in Ontario has had its funding reduced to a level of income well below the poverty line and some \$10,000.00 below an individual working minimum wage 35 hours a week;

WHEREAS individuals are facing criminal records, incarcerations, evictions and loss of custody and access, major impacts on their everyday life;

WHEREAS the Law Society of Ontario has failed to take any meaningful and effective action to deal with this ongoing and developing crisis;

WHEREAS the 2012 “Legal Needs Analysis Report” delivered to the Law Society of Upper Canada, and the Attorney General of Ontario, was a statutory five-year review of paralegal licensing. The report identified and recommended the need for expansion of the scope of practice of paralegals;

WHEREAS the Law Society of Ontario has issues within its own processes where “....racialized lawyers are more likely to end up in discipline and to receive harsher penalties...”;

WHEREAS the Law Society of Ontario has failed to update the rules governing real estate transactions wherein the vast majority of property in Ontario are now converted to Land Titles and a Solicitors Opinion on title is no longer necessary for most transactions;

WHEREAS section 91 of the Immigration and *Refugee Protection Act* was amended in or around 2011 to allow licensed paralegal to be able to provide full representation and document preparation. Despite this *Act*, the Law Society of Ontario has failed to take any steps to amend By-Law 4 to permit paralegals to provide any and all immigration services;

WHEREAS, fifteen years after paralegal regulation, paralegals remain a minority at Law Society of Ontario committees, and at Convocation;

WHEREAS the regulation of paralegals in Ontario reveals the Law Society's propensity to favour professional interests of lawyers over the public interest and to regulate to preserve its entrenched status, prestige, and self-regulatory privilege for its benefit more than in and for the public interest;

WHEREAS, in 2007 England and Wales joined Australia in moving away from a self-regulatory model for lawyer regulation, and implemented a co-regulation, where two or more bodies share oversight of lawyers. This is according to the Canadian Lawyers Magazine article dated November 14, 2019;

And Whereas the Law Society of Ontario has lost public confidence, and lost the confidence of its licensee to continue to act as the regulator of the legal professions;

Therefore it is moved that the Law Society of Ontario shall approach the Attorney General of Ontario and advise that the Law Society of Ontario has failed in its legislated duties to regulate the Legal Professions, and in particular the Paralegal Profession in the public Interest, to facilitate access to justice for the people of Ontario, maintain and the cause of justice and the

rule of law, and to act in a timely, open and efficient manner; and request the Attorney General to immediately assume regulatory control of the Practice of Law and provision of Legal Services in and for the Province of Ontario.

Name:	Signature	LSO#
Marshall Yarmus	<p>DocuSigned by: <i>Marshall Yarmus</i> 75366982DAC944B...</p>	
Bruce Parsons	<p>DocuSigned by: <i>Bruce Parsons</i> A52CF018B7D1411...</p>	
Dina Tull	<p>DocuSigned by: <i>Dina Tull</i> C4FA7507E97149E</p>	
Frank Alfano	<p>DocuSigned by: <i>Frank Alfano</i> 45D37286FDB2473...</p>	
Len Libman	<p>DocuSigned by: <i>Len Libman</i> 97ED3BBC7850414</p>	
Sylvia Brin	<p>DocuSigned by: <i>Sylvia Brin</i> 9667A6A75D00417...</p>	
charlene lewin	<p>DocuSigned by: <i>charlene lewin</i> 8B00A80FFC33472...</p>	
Jinxing wang	<p>DocuSigned by: <i>Jinxing Wang</i> 4D59EB248EEA409...</p>	
Victoria Marr	<p>DocuSigned by: <i>Victoria Marr</i> 5CA11331B0204C3...</p>	