

September 8, 2020

Priority Planning Committee

c/o James Varro, Director, Office of the CEO and Corporate Secretary

Law Society of Ontario

Osgoode Hall , 130 Queen Street West

Toronto, ON

M5H 2N6

Via email: jvarro@lso.ca

Dear Mr. Varro,

RE: Amendments in principle to By-Law 5 to remove the exemption from the requirement to pay the Annual Fee for licensees who are over 65 years of age and who do not practise law or provide legal services, beginning in 2021 and for subsequent years (the “Affected Lawyers”)

Law Society of Ontario Priority Planning Committee Report dated August 6, 2020 (the “Report”)

I am writing to you on behalf of the Toronto Lawyers Association (“TLA”). The TLA is the voice of its 3,700 members who practice law in all disciplines across the Greater Toronto Area.

We understand that Convocation has passed a resolution for amendments in principle to By-law 5 to remove the exemption from payment of annual fees for licensees who are over 65 and who do not practice law or provide legal services, but who do provide pro bono legal services. The TLA does not agree that this exemption should be removed.

There are only approximately 6,000 licensees who have been granted the exemption and another approximately 800 who might qualify (page 51 of Report package). These Affected Lawyers would presumably have to pay their fees to the LSO from their savings, if the changes to the By-Law are passed.

We understand that many of the Affected Lawyers volunteer their services. According to Pro Bono Ontario “retired lawyers have been a wonderful resource to us over the years.” (see attached email from Margaret MacDonald of the Association of Retired Lawyers of the Crown (Ontario) to Benchers dated August 25, 2020)

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Under the proposal, Affected Lawyers who do not wish to pay fees have the option of surrendering their licences or being administratively suspended. The TLA believes that neither option accords the Affected Lawyers the deference owed to them as long-standing (fee paying) members of the LSO. It also fails to recognize that Affected Lawyers who wish to continue to provide pro bono services to the public would have to pay for the privilege. We expect that there are few retired lawyers who would be willing to do that, and it is an unreasonable financial burden to impose upon them.

The Report recognized that, "if the exemption is removed, it is assumed that a portion of these licensees will choose to surrender their licence as opposed to paying fees." The Report did not adequately consider the negative impact on pro bono services from the loss of the services currently provided by the Affected Lawyers if the proposal is accepted. Additionally, the important goal of enhancing access to justice for all Ontarians will be adversely impacted, all for the sake of a minimal potential increase in revenue. This is contrary to the fundamental purpose of the Law Society.

The TLA believes that the sole stated rationale for the removal of the exemption – additional revenues for the LSO and perceived fairness with younger lawyers who do not practise law, but who nevertheless pay fees – is insufficient to warrant the proposed removal of the exemption. The issue of newly called lawyers who do not practice law continuing to pay fees is a separate issue that raises different considerations, and which may require the LSO's consideration as well.

The TLA also objects to the proposed removal of the life exemption for licensees who have practiced for 50+ years, which also seems to be nothing more than an attempt by the Law Society to increase revenue. The purpose of the exemption is manifold. It recognizes the extraordinarily long service to the public by these licensees. It is a sign of respect for the elders in the legal community. Also, it is a minor financial incentive for these elders of the bar to continue to make themselves available to share their accumulated wisdom with younger members of the bar through mentorship and advisory roles, as well as allowing them to provide pro bono legal services. These are all admirable objectives that should be encouraged, not actively discouraged. In our opinion, there is nothing unfair about waiving the licensing fees for these few most senior members of the bar, given the lifetime of service that they have provided.

Thank you for considering these comments.

Yours very truly,

A handwritten signature in black ink, appearing to read 'B. Harrison'.

Brett Harrison
President
Toronto Lawyers Association

attached