



Presented jointly by the CBA and the Federation of Law Societies of Canada

MARCH 6, 2015 | ONTARIO BAR ASSOCIATION | TORONTO, ON

FRIDAY, MARCH 6, 2015

8:30 – 9:00 Registration & Breakfast

9:00 – 9:05 Conference Co-Chairs Opening Remarks

Malcolm M. Mercer, *Partner, McCarthy Tétrault (Toronto, ON)*

Alice Woolley, *Associate Dean Academic, Faculty of Law, University of Calgary(Calgary, AB)*

9:05 – 10:30 Innovation in Conduct Regulation

Law Societies regulate the conduct of individuals primarily through codes of professional conduct and discipline mostly arising from complaints. Many consider that this complaint-driven retrospective punitive focus on individual conduct should be supplemented by requiring proper policies and practices for law firms.

Professor **Amy Salzyzn** (University of Ottawa) will chair an expert panel focused on the issues raised by these proposed changes. The panelists are **Naomi Bussin** (Senior Counsel, Professional Regulation, Law Society of Upper Canada), **John Callaghan** (LSUC Bencher and Gowlings partner), **Victoria Rees** (Director of Professional Responsibility, Nova Scotia Barristers Society) and **Professor Laurel Terry** (Penn State's Dickinson Law).

10:30 – 10:45 HEALTH BREAK

10:45 – 12:15 The Role of the Lawyer

***Topics and speakers subject to change*



Legal ethics and professional responsibilities are premised on the role of the lawyer in our legal system. It is important that we continue to challenge our thinking about this important premise.

Gavin Hume (Federation of Law Societies) will chair a panel of leading legal academics presenting on issues relating to the role of lawyers. Leading legal academics Professors **Brent Cotter** (University of Saskatchewan), **Stephen Pitel** (Western University), **Amy Salczyn** (University of Ottawa), and **Sara Seck** (Western University) will present their current work on issues including the duty of loyalty after McKercher, the impact of the UN Guiding Principles on lawyers' advice to clients and the fiduciary law of lawyers.

12:15 - 13:15 NETWORKING LUNCH

13:15– 14:45 Legal Ethics/Professionalism in the context of Class Proceedings and Contingent Fees

Law Society codes of professional conduct have been developed in the traditional context of individual clients retaining lawyers for a fair and reasonable fee. Over recent decades, contingent fees in class proceedings and personal injury matters have become an important aspect of access to justice and legal services. Traditional thinking with respect to matters such as the duty of loyalty, confidentiality and privilege, ensuring reasonable fees and the proper roles of the Law Society and the court are not easily applicable in these new contexts.

Stephen Pitel (Western University) will chair a panel of leading experts who will share perspectives from the academy, the bench, the plaintiffs' bar and the defence bar. The panelists are **Michael Eizenga** (Bennett Jones), **Professor Jasminka Kalajdzic** (University of Windsor), **Margaret Waddell** (Paliare Roland) and the **Honourable Warren Winkler** (Arbitration Place).

14:45 – 15:00 HEALTH BREAK

Sponsored by Blakes

15:00 – 16:30 Legal Ethics and Access to Justice

Access to Justice is a central issue for our time. In large respects, members of society receive no legal assistance in dealing with legal issues. In some areas such as family law where legal services are provided, many people do not use lawyers. The cost of legal services is a pressing issue. The solutions to access issues are neither obvious nor simple.

The **Honourable Stephen Goudge** (Paliare Roland) will chair a panel comprised of leaders in the academy and the profession who have dedicated themselves to advancing access to justice. The panelists are **Professor Trevor Farrow** (Osgoode Hall and Action Committee on Access to Justice in Civil and Family Matters), **Sarah J. Lugtig** (University of Manitoba and CBA National Access to

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Justice Committee), **Michèle Moreau** (Canadian Institute for the Administration of Justice and CBA National Access to Justice Committee) and **Darrel Pink** (CEO of the Nova Scotia Barristers Society).

This program is accredited in all Canadian continuing professional development jurisdictions (CPD):

Substantive, skills and/or procedural content: ---

*Ethics, Professionalism and/or practice management content: **6 hours***

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