



Gavin MacKenzie

Bencher Experience

- Former Chair (or co-chair), Professional Regulation Committee (professional conduct and discipline), Task Force on Rules of Professional Conduct, Strategic Planning Committee, Proceedings Authorization Committee
- Former Board Chair, LibraryCo
- Former Chair, vice-chair, or member of committees responsible for legal education, finance, multi-jurisdictional practice, contingency fees, professional development, competence, and admissions
- Chair of hearing panels, and frequent author of decisions
- Author of report adopted by Convocation proposing reforms to process for accrediting lawyers trained outside Canada

Why I am a Candidate

A year ago, I was elected by my bencher colleagues to serve as Treasurer of the Law Society.

A number of my colleagues have encouraged me to stand for a second full term, beginning in June.

Under the *Law Society Act* I may do so only if elected in this bencher election.

During my first year as Treasurer, Convocation has accomplished much. A brief, partial summary of what we have achieved, and what challenges remain:

1. After many years of arduous effort on the profession's part, with the passage of the *Access to Justice Act* in October independent paralegals will now be regulated in the public interest by the Law Society. No longer will legal services be provided to the public by persons who are untrained and uninsured, and who are subject to no standards or rules of conduct. We must ensure that paralegals are licensed only if they meet high standards of ethics and competence.
2. Convocation adopted its Task Force's Report on Sole Practitioners and Small Firm Lawyers, and struck a working group to implement its recommendations. We must strengthen the supports the Law Society provides to sole practitioners and small firm lawyers, and ensure that the public has access to lawyers in all communities in Ontario.
3. Convocation struck a working group to develop practical means of retaining women in private practice. Many women leave the profession or are under-compensated relative to men by mid-career. Members of other equity seeking groups are under-compensated at all levels. Our culture must change so that we do not regard this as acceptable. The values we promote must ensure that all segments of the profession have an equal opportunity to flourish.
4. Convocation adopted an expansion of our practice review program to help lawyers in their first eight years of practice attain a high level of competence in the management of their practices. We must ensure that we continue to maintain high standards of competence and ethics to maintain public confidence.
5. Convocation adopted a seminal report of its task force, composed of eminent members of the profession, which has articulated the reasons why an independent bar is essential to the rule of law. The report is destined to be referred to frequently by legislators and courts as we respond to increasing pressures on our independence for reasons that include, among other things, national security concerns.
6. Convocation resolved that, as Treasurer, I issue a public statement expressing Convocation's serious concern over the need for a well-funded and sustainable system of legal aid in Ontario, and I have done so. We must continue to press for a strengthened legal aid system in the interests of access to justice and equality before the law.

Standing Up for our Profession

Over the last 12 years we have made considerable progress in reducing fees and levies, which in 1995 were at levels that jeopardized the viability of many lawyers' practices. I will continue to advocate cost control.

I have sought out the views of lawyers on policy issues and have welcomed the views of lawyers who have sought me out. Convocation must work systematically to canvass members' views before issues are debated.

I believe that not only my work with the Law Society and other professional organizations but also my counsel practice, writing, and teaching enable me to continue to respond to unfair criticism of our profession and to protect and enhance its reputation. I will continue to do all I can to ensure that members will regard the Law Society not as an enemy, but as an ally.

- Treasurer, Law Society, 2006-present
- Partner, Heenan Blaikie
- Elected bencher since 1995
- Born Woodstock, Ontario 1952
- B.A., UWO 1972
- LL.B., Osgoode Hall 1975
- Called to the Bar 1977
- Honoured by Induction as Fellow of American College of Trial Lawyers, 2000
- Counsel throughout Ontario before courts at all levels, including Supreme Court of Canada
- Author, *Lawyers and Ethics: Professional Responsibility and Discipline* (3rd ed, 2002)
- Consulting Editor, *Barristers and Solicitors in Practice* (1998)
- Counsel on many occasions to law firms, other professionals, and regulatory bodies
- Expert witness on professional responsibility
- Former Director (Council Member) OBA, Advocates' Society, LINK, Medico-Legal Society, Canadian Institute for the Administration of Justice