

## President's Address to Ontario Bar Association AGM, October 1, 2010

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6 years ago I filled out a form signing up for the executive of the Civil Litigation Section. That I was able to rise up to the OBA's highest office in such a short period of time, is a testament to an OBA which is open, and built on words of welcome.

When I was growing up

- Wondering how on earth I might find a career in Canada's most impenetrably conservative and opinionated profession, I said to myself:

- It was just as well I didn't have the grades in math and science for medical school

Although I was handy with a hammer and chisel, and as my kids will testify, good at gluing small things together.

- I lacked any talent for gossip while shining a bright light into someone's mouth.

- So dentistry was out of the question.

Little did I know, those who implement public policy in Ontario value the work of Doctors and Dentists enough to give them a tax break not available to other professionals, not available to lawyers. Doctors and Dentists, like most other small businesses, can split their income through family corporations. Lawyers cannot.

- The same tax break that enables a dry cleaner's to set up shop in Timmins, also helps put a doc to keep folks healthy and a dentist to make sure the future Shania Twains have nice teeth. The absence of this tax incentive means it is harder for lawyers and law firms to establish themselves in smaller communities in Ontario, or as retail law firms providing vital services in inner-city communities.

We talk about Access to Justice. But Access to Justice really means:

- It really means an affordable local lawyer who will provide legal services to a wide cross-section of society, not just to the rich or to the poor.

The OBA is a professional association: lobbying for incentives which facilitate the practice of law in our communities is not just a peripheral task: we must treat it as a task as important as no other.

Every year,

- The OBA President has appeared before the Ontario government and asked for lawyers to be included in this group. Every year, they listen to us and they usher in the next delegation. The message goes in one ear and out the other.

We need a more intensive strategic plan:

- Make the business case to show how this will put a lawyer in a community where before there was none or not enough
- to the membership
- to the public
- to the government

You will hear from VP Paul Sweeny who will head a task force to work on this as a major initiative of the OBA.

This is the year we make history together.

- This year, we will change the focus from “Toronto and the Regions” to “Provincial” – can you imagine if a political party called “provincial” politics “Toronto and the Regions” politics?
- We have changed our Board Governance. Today, 10 out of 16 are from outside Toronto. You will hear from them and see regional representation in action.
- Our fall Council Meeting tomorrow and Sunday will deal 100% with deliberation of provincial issues. Our discussions will continue on the golf course, around the dinner table, and in our reports back to our constituencies.

Although, I have learnt only this year, that Iroquois Falls is not one of the lost villages of the St. Lawrence, my knowledge of Ontario’s geography is improving. I have read the messages from so many of you, and we have distributed them by email in your meeting materials, to help inform our deliberations. I have heard, over and over again, there is a serious imbalance which the OBA must right, or lose the right to call itself the Voice of the Legal Profession in Ontario.

At the end of tomorrow morning’s discussions, you will be called on to make the most significant decision of the OBA for a decade, and perhaps for the decade to come. Do we, as an association, permit ourselves to use accumulated and unallocated capital to make the OBA a truly provincial organization, instead of one whose resources and services are concentrated in Toronto.

If we fail to do this, at this exciting but critical time in the history of our organization, we fail to recognize a reality of our profession in this province.

The credibility of lawyers as a proud and independent professions depends as much on the world-beating corporate work performed in a glass tower in Toronto, as it does in a front-line general practice in Cornwall, Cochrane, or Kapuskasing.

As I was told over and over again in my recent meeting with the Kenora Law Association, when the leaves on the outer branches start to wilt, the tree itself will begin to wither.

### **Sections Universality**

Perhaps the most significant initiative of our Board of Directors this year is Sections Universality.

- Sections are key to participation in every aspect of the OBA: advocacy, professional development, career recognition and networking: in other words, the grassroots of a participatory democracy
- The perception has long existed that the OBA is Toronto-centric and tended to resist new blood, even in Toronto. I found, in assuming office, proof that it is not just a perception but a systemic reality. Only 7,000 out of our 17,000 members actually enrol in Sections, and that of them 5,000 were from Toronto. In the North West, we have only 17. Any wonder why, in some practice sections, we had the same people doing the same things, call on the same speakers, etc.

- Sections Universality will be a building block for the future of the OBA. Sections universality, more than any other structural issue, will determine whether, 10 years from now, we are 25,000 strong, or 10,000 and treading water.

### **Women in the Law**

When I entered law school in 1985, when my generation of professionals was coming of age, Ronald Reagan and Margaret Thatcher were in power, and we were listening to In Between Days by a punk rock band called the Cure, whose hallmark lyrics were: “Yesterday I got so old I felt like I could die.” – Mr. Secretary, please take note in of the Cure in the OBA AGM minutes. And no, I didn’t make a bet with anyone that I can work that into my speech.

Unlike the hope and promise of the Woodstock generation before us, my generation of lawyers expected nothing from the world or from the profession, and indeed there are remarkable similarities between our professional outlook, and the plight of young lawyers today.

In the midst of our advancement through the legal profession, a remarkable revolution was occurring. A demographic shift like no other. In the ensuing 25 years, women entered the profession in droves.

It was no coincidence that this revolution took place coincidentally with the great equalizer of our Canadian society, the Charter of Rights and Freedoms.

Women entered the law, because the law of Canada was becoming a great political tool to create change for the better, no longer the guardian of the gentleman’s club.

Just as women still face invisible or silent discrimination in our profession. Nevertheless, their influence on the development of the law and the practice of law is pervasive.

Now that women represent half of the new lawyers in Ontario, they are also leaving us in droves. The problem in the retention of women is not simple. It cannot be solved by providing access to nannies, locums or other methods of keeping women as cogs in a wheel. We must do more than treat the symptoms; we must cure the cause of the symptoms.

Yes, the practical initiatives of the Law Society and law firms are welcome. But the occupational flight of women, especially from private practice, is more than law as a way to earn a living. To get back to the reason why women have been entering the law, it is a matter of what stirs the soul.

Women are leaving the profession, more often than not, much for the same reason women have been leaving men for years: because their historic work and their contributions are not being valued.

This year, men and women in the OBA will join to recognize that much of the history of law in the last 25 years is really her-story. That the “conservative minds and the liberal hearts” of bright, determined women planned and paved the way to

equality and has shaped much of our modern society.

- This year will conclude with the OBA President's award for Justice to be conferred on LEAF, the Women's Legal Education & Action Fund, an organization created in 1985 – the same year as "In Between Days" and responsible for interventions in over 150 cases including landmark legal victories for women on a wide range of issues from violence against women, sexual assault, workplace inequities, socio-economic rights, and reproductive freedoms.

If you have a daughter good enough to play hockey for a boy's team, you and she can thank Justine Blainey and LEAF.

Remember the debates in this country over equal pay for work of equal value? You can thank LEAF, for winning that debate and making it part of the legal firmament.

Recognize the impact of women in the law, give them access to work that is as fulfilling as the work performed by male lawyers, and you will give them a reason to stay. Give women a reason to stay, and the legal profession will lead all of society into the 21st Century.

If we fail to do this, we lose the right to call ourselves the Voice of the Legal Profession in Ontario. We will be the Voice of less than half of the Legal Profession in Ontario. Let it not come to that.

## Conclusion

- We are looking forward to the new year. You have elected a board of directors who are ready to roll up their sleeves.

- We will put new wine into old casks. The product of our labours may not be seen this year, or even in 5 years. I hope that, in the interim, OBA members will find a reason to stay; and for lawyers in Ontario who aren't yet members, that they'll find a reason to join.

- We will take the inspiration and ideas we have received from our friends from every corner of the province, and cultivate a new vintage of OBA, in the years to come.

Thank you all for hearing the call, for coming from far and wide to assemble in Gravenhurst, to start discussions which will not end here, but which will carry on, for months and years to come.