

Vice-President's Oral Report to Ontario Bar Association Council, March 26, 2010

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As tradition dictates, the Vice President's Report at the Spring Council Meeting is a glimpse of the year ahead. Yes, I've included a few pages on the work I've been doing and the appearances I've made to stand in for President Brown, but you may notice too that most of them were cocktail parties. So I will not dwell on them, except to report that I never mastered my party trick of trying to emulate another vice-president, Dick Cheney, in training my eyes to survey both sides of a big room like this at the same time.

I am proud of the work of the Governance Committee, which I chaired as the ex-officio chair, in producing an unprecedented string of achievements, in By-law reform, Code of Conduct and renewal of Professional Development. I am also proud of the work of the Mandatory Continuing Professional Development Working group, in coming out with a submission, which has provided leadership to the legal profession. Without OBA support, the Law Society could not have passed it.

This year, I have set out, in as much detail as possible, an outline for the work of next year's Council in the service of the legal profession in Ontario.

I have prepared this outline, in consultation with senior staff, to give the OBA staff and volunteers a set of themes and objectives to work with. It is our duty as Council to set a tone and direction for

the OBA, as our profession navigates through very unsettled times.

My priority is to continue to turn around a process in which the OBA is at times perceived as channelling changes in the legal profession and the justice system from Toronto out to the rest of Ontario. You will not get, from this Toronto president, a Toronto-knows-best attitude. Instead, we will empower lawyers in all regions to effect change, or to keep well enough alone, based on the needs and infrastructure of the communities they serve, and their own legal practice realities.

We will strengthen our covenant with our membership, and find new ways to project the three ideals we serve within our society:

Access to justice.

Rule of law.

Professional Excellence.

These words mean so much to us as lawyers. They mean so much because they are the transcendent words of our way and calling. These are words which give us purpose and place. They provide the spring in our step when we go to the office.

These words do *not* resonate with the vast majority of the public we serve.

For example, a few weeks ago, the most important news on the front page of the *Globe and Mail* was that Sidney Crosby's Olympic hockey stick was safe and sound. When it was thought to have been stolen,

an entire nation wanted to look for it, fearing that we had been wronged, that an *injustice* had been committed.

(After a sigh of relief, when the stick was behind lock and key, we heard not a whisper from Nova Scotians about the fact they now have to travel to Toronto and pay \$25 bucks to see it.)

The national quest for that hockey stick made it on to the front page. Access to justice and the rule of law did not. That hockey stick did have one thing to teach us:

It meant more to folks when it was gone.

How do we get the people of Ontario excited about the Access to Justice and the Rule of Law? They do not appreciate how, without lawyers, they are that close to losing their personal freedoms, that, without lawyers, they risk losing the economic investment which ultimately puts food on their tables and a roof over their heads, and that, without lawyers, they risk living in a place where wrongs committed against them find no redress.

When we sing the national anthem, we sing "O Canada, we stand on guard for thee." In French, we sing, "Protégera nos foyers et nos droits:" keep safe our homes and our *rights*.

Est-ce que c'est possible que nous les avocats sommes les seuls qui apprécient la valeur du besoin de protéger foyers et nos droits?

Can it be that lawyers are the only segment of society for whom protection

of our rights is seared onto our collective consciousness?

There are limits to what we, a lawyers' association, can or must do. We are not government. We are not in the business of social engineering. We are *not* a protest party.

What brings together the criminal lawyer and the insolvency lawyer and the real estate lawyer and every other type of lawyer, is the common stake in the objective and rational rules. We collectively are the hinge upon which the scales of justice are balanced, in every facet of human activity.

And yet, we as a profession are the first in the line of fire for perceived failings in our legal system. People love to hate lawyers, even though they love their own lawyers. It is not lawyers' role to be popular. But it is a legal association's role to ensure that lawyers are valued. Along side the courts and government, lawyers are the cornerstone of the legal infrastructure of Ontario. The proof of this, and the message we must convey, is that Ontario needs lawyers, not only to facilitate economic growth and protect institutions, but to help Ontarians raise their kids.

We will change our message from the abstract to the tangible. We will energize the legal profession to recast its mission and to put a new spring in our step.

Friends, our communities need certain core professionals:

A doctor to keep our kids healthy.

A teacher to give them a start in life.

And a lawyer? What use is a lawyer to our kids?

- When a child's parent is incarcerated,
- When a child's parents are in family court,
- When family's breadwinner is injured or killed in an accident,

Lawyers provide the only real chance for our kids to avoid the sharp edges of society. Lawyers not only stop bad things from happening, they are builders of communities.

We as a lawyers' association must help our members find and maintain their place as builders of our communities. So when you review the Vice President's report in your Council materials, I hope you will find reasons to stay on Council, and run for a spot on the Board: the makings of a three-stage plan for the OBA to come to the aid of lawyers across Ontario, especially where help is needed most:

1. The October Council meeting will be devoted entirely to regional issues. We will find ways to allow members across Ontario to enjoy the benefits of OBA membership. That means we find ways to ensure membership dollars collected from all regions of Ontario are used to deliver services which can be enjoyed from all regions of Ontario. In terms of providing a piece of the infrastructure for the practice of

law, the OBA must do this to help make it possible for the legal profession to exist outside of the major urban centres.

2. We will then inform *and* advocate *and* position lawyers in the mainstream of political and social discussion. When we speak about issues we are informed by a consciousness of lawyers' work, of lawyers' work as integral to our society and our economy, most of all for the sake of building communities in which the people of Ontario will raise their children, build our places of work, and protect the vulnerable.
3. We will also anticipate and influence changes in the legal landscape of Ontario. We will tackle tough issues like law school tuitions and student debt loads. If working in the front lines of our society means living in a bedsit to pay down a \$100,000 student debt, how many of our best and brightest will be criminal lawyers or family lawyers in the year 2020? This is part and parcel with the role of lawyers in our society. If we, as a profession, do not help our young graduates become the types of lawyers our communities need and value directly, the public will suffer, and so will we.

Nous devons laisser l'état des lieux meilleur que nous l'avons trouvé.

We will leave the legal profession better prepared to face its challenges than at the outset of our endeavour.

If we do that, we will steer the ship of the OBA in the right direction. And know that the OBA will continue in that direction, in the years to come.

Thank you. Merci, mes amis.