



ONTARIO
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December 1, 2008

The Editor
"In the Trenches"
c/o Randall S. Boccock
President
County and District Law Presidents Association
16th Floor
Commerce Place
One King Street West
Hamilton, Ontario
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Dear Sir/Madame:

I read, with interest, CDLPA's recent newsletter and its reference to my discussion with Randall Boccock on September 11th, concerning the OBA's position with respect to the Law Society's Sole & Small Firm (S&SF) Working Group's report and recommendations. To date, neither the OBA nor I have been provided with a copy of CDLPA's re-worked submission to the Law Society, mentioned by President Boccock in "Getting the Word Out".

I would like to correct some errors in the report of my discussion with President Boccock and a previous report in "Getting the Word Out", which suggested that the OBA had withdrawn from the Sole and Small Firm Working Group because it was unhappy with the Group's direction.

Let me first deal with the process issues which led to our decision to briefly suspend our involvement in the S&SF Working Group's activities in the spring of 2007. The OBA's representatives on the Working Group reported to the *OBA* that they were being asked to provide the OBA's position on a number of matters but were not allowed to report to the OBA Executive and Council before doing so. Law Society representatives, including Benchers, were invited to attend an Executive meeting at which this issue was discussed.

Subsequent to that meeting, the OBA Executive determined that it was not possible to contribute further to the Working Group's activities until OBA representatives on the Working Group could share information with, and receive direction from, the OBA Executive and Council.

Ultimately, the process changes the *OBA* requested were implemented, and the OBA resumed its participation in the Working Group's activities, which included the development and production of the Report released earlier this year.


When Mr. Boccock and I got together in September, we discussed the S&SF Working Group Report in some detail. I told him that the OBA fully supported the principles and objectives set out in the S&SF Report, and the activities of the Working Group. I also pledged OBA's commitment to work and coordinate with the LSUC, CDLPA, and other legal organizations, to make sure that all our efforts addressed the principles set out in the S&SF Report, and supported the achievement of its objectives.

The S&SF Working Group Report contained several recommendations that, if implemented, would have required the OBA to use its members' resources for the benefit of those who chose to not be members of the OBA. The OBA is a voluntary, self-supporting, member-focused organization. Some of the things the OBA was asked to do in the Report, were and remain, things which, constitutionally, the Association is not able to do. Our members make a choice to purchase membership in the CBA/OBA and the funds that are collected through membership dues are used exclusively for the benefit of those who have made that choice to become members and financially support the organization. To use such funds for any purpose other than to benefit OBA members would not only be constitutionally wrong but ethically inappropriate as well.

As a consequence, there are elements of the Working Group's report which the OBA cannot support in the manner proposed in the Report, due to the financial commitment that would be required. I told Mr. Boccock, (and separately the Treasurer of the Law Society and Bencher Doug Lewis in other conversations), that the OBA was already doing many of the things recommended in the Report and had plans to independently pursue most of the remaining initiatives which were recommended.

The OBA stands by its commitment to the S&SF Working Group Report's principles and objectives, and looks forward to working creatively with CDLPA, the LSUC, and others, to assist our members in sole and small firm practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie K Trimble", with a stylized flourish at the end.

Jamie K Trimble
President

Cc: County and District Law Presidents