



**DELIVERED BY HAND**

November 15, 2011

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Treasurer  
The Law Society of Upper Canada  
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Malcolm Heins  
CEO  
The Law Society of Upper Canada  
Osgoode Hall,  
130 Queen Street West  
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Dear Ms Pawlitzka and Mr. Heins:

**RE: Non-lawyer investments in Ontario Law Firms**

I am writing to you on behalf of the Members, Executive and Trustees of the Toronto Lawyers Association ("TLA").

As the President of the TLA I attended in Montreal this past summer, the 7<sup>th</sup> World City Bars Conference. One of the topics that came up for lively discussion at the Conference was the ownership of law firms by non-lawyers.

As you may know in Australia, since May 2007 *Slater & Gordon Limited* has been listed on the Australian Stock Exchange (ASX) and trades under the code **SGH**.

Even more importantly regulatory changes in Great Britain will be implemented in 2012 to permit non-lawyers to own interests in British law firms.

Several Canadian law firms are affiliated with international firms. Most notably the prominent Canadian firm *Ogilvy Renault* no longer exists, and is now part of the large British based international firm *Norton Rose Group*.

The TLA strongly believes that we need to have a serious discussion here in Ontario on these issues. The practice of law is both a business and a profession. Currently in Ontario, under very limited circumstances some non-lawyers, (for example patent agents) can be partners in law firms, but they cannot have a controlling interest in the firm.

Having law firms traded on the TSX would be a profound and significant change which could potentially have a negative effect upon professionalism and ethical issues in the practice of law. The impact of such a change on issues like conflict of interest could be enormous and have negative consequences for the public and the profession.

The Toronto Lawyers Association wants to begin a discussion and review of these issues by our regulator, The Law Society of Upper Canada. Now is the time to begin this review so that we can answer these questions in a thoughtful deliberate process, before the Profession and the Law Society is presented with a rush to a decision in the face of a publically traded British law firm seeking to merge with a Canadian law firm, and seeking to create an ownership structure in Ontario similar to the British firm.

Recently we polled our members and asked them 4 questions. The results of the poll were as follows:

**1. Should non-lawyers be able to acquire majority control of Ontario law firms?**

Answer: 90.8% No, and 9.2% yes.

**2. Do you favour ownership of Ontario law firms by non-lawyers?**

Answer: 86.8% No, and 13.2% yes.

**3. Should law firms be traded on the TSX?**

Answer: 88.2%, No, and 11.8% yes

**4. Should the Law Society seek input from legal profession to gauge our views on these issues?**

Answer: 85.5% Yes, and 15.5% No.

The TLA urges the Law Society to set up a Task Force or committee or other mechanism to investigate these issues. The TLA would welcome the opportunity to participate in this process.

I look forward to hearing from you.

Yours very truly,



Sam Marr  
President  
Toronto Lawyers Association