

REBECCA C. DURCAN

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Region	Incumbency	Slate or Coalition Affiliation	Law Association Membership
Toronto	Benchers Pre-2019	Good Governance Coalition	Toronto

LiRN Funding and Libraries	
Will you support the Law Society maintaining its current level of funding for LiRN, adjusted annually for inflation?	Yes
Do you recognize the importance of the Law Society’s support for the LiRN budget in maintaining licensee competence across Ontario?	Yes
I view the LSO funding as a key pillar of its regulatory duties. The public benefits when lawyers have access to current, and efficacious, legal resources. The public does not benefit if access to such resources is limited to big firms and big cities.	
If you are an incumbent, do you regret voting to cut the LiRN budget by 10% in November 2020?	N/A
N/A - not an incumbent.	
Do you support offloading funding for LiRN/law libraries to the Law Foundation of Ontario?	No
I view funding legal resources as within the mandate of the LSO. As such, it should transparently and consistently provide such funding. To offload funding on a third party does not provide the necessary reliability of funds to the LiRN.	

Legal Aid Funding	
Will you advocate for Legal Aid Ontario funding improvement and sustainability to ensure that being a Legal Aid-empanelled lawyer remains a viable area of practice for the private bar?	Yes
If you answered “yes”, how?	
The LSO is statutorily required to "facilitate access to justice for the people of Ontario." One way that this can occur is to commit and support sustainability of LAO funding. To be clear, the rationale for such a decision would be to assist the public rather than ensuring lawyers can dedicate their practice to this area. The LSO needs to ensure that its decisions align with its mandate and does not bleed into profession advocacy measures (but if the decision of the LSO to support and advocate for LAO funding resulted in certain lawyers deciding to focus their practice on this all important area of law, it would not be in contravention of the duty of the LSO to ensure its decisions are founded in public interest)	
Ideally, the LSO views funding of LAO, and other ways in which Ontarians can readily access legal services, as core pillars. Several other jurisdictions are asking how this can occur. The LSO has thankfully taken note of this and has commenced a sandbox experiment to understand how Ontarians can access the legal system in less expensive and technical ways.	
Please describe efforts that you believe should be undertaken by the Law Society to advocate for investment in LAO and increased financial allocation to LAO from the provincial and federal governments’ budgets.	
I believe the LSO needs to couple its demands for more funding with concrete examples of how it is making the legal landscape less hostile to self-represented litigants.	
The LAO will always be needed and will always be a core method of delivering legal services to low-income Ontarians. Lawyers who provide services through LAO should be compensated for their experience and the important role they play in society. But the LSO will likely find it difficult to simply ask the respective governments to contribute more if it does not couple its requests with concrete examples of making justice more accessible. For criminal matters, this is incredibly difficult. To expect Ontarians to move through the criminal system without legal expertise is an indictment on a healthy society. But the LSO should be a leader in looking to opportunities in the civil system that would lower the legalese, procedures and costs. This is not to negate the inherent risks that Ontarians face within the family, refugee/immigration and mental health law domains. But if barriers exist and are removed, it will demonstrate to the respective governments that the LSO is doing all it can do to ensure low-income Ontarians access legal services.	

Paralegal Scope of Practice	
On December 1, 2022, Convocation approved the Family Legal Service Provider (FLSP) license to allow paralegals who complete specified training to assist clients with certain family law services. The FLSP is to be reviewed in 3 years. Should paralegals’ scope of practice be expanded?	
Yes, it should be expanded.	
If you answered “yes”, in what ways, why, and what additional training (if any) should be required of paralegals?	
I struggle with the question as posed. At the end of the day, the LSO needs to ascertain the risk of the service and what competencies are required in order to safely and ethically provide the service. The LSO needs to make this determination upon data.	
If there are legal services that can be provided by non-lawyers, in a safe and competent manner, the LSO should be taking all steps to lower unnecessary barriers.	
So my true answer is that the LSO should look at the data after three years. If the model is working then it should continue and perhaps be expanded. It needs to focus on what is in the best interest of the public as opposed to lawyers and paralegals.	
Lawyer licensees pay an annual competency levy as part of their annual fees that contributes towards LiRN, which funds courthouse libraries. Would you support a requirement for paralegals to also pay an annual competency levy?	Yes
Lawyers and paralegals are regulated legal professionals in Ontario. Their competencies and scope differ - but they both are focused on providing legal services to Ontarians. I believe that paralegals should have ready access to association law libraries and CPD events. This would benefit their clients and communicate to the public that both classes of licensees are viewed as partners on the Ontario legal landscape. It would also ideally reduce the sense of "us" vs "them" that some lawyers/paralegals still hold.	
Asking paralegals to contribute to the funding of these all important resources would just make sense.	

Law Association Involvement	
When did you become a member of each of the associations you selected above? Which board or executive roles, if any, have you served in as part of these associations? Please list relevant dates and roles.	
I have been a member of the TLA since approximately 2016.	
Why are you a member of each of the associations you selected above?	
I was encouraged to become a member by my then colleague Robin McKechny (a current Board member of the TLA). I am a partner in a smaller firm and, embarrassingly, was not fully aware of the resources of the TLA. I, and members of my firm, have renewed our membership annually since we first joined. We are consistently impressed with the work of the TLA (including their library assistance and the quality of the "CPD" events). A firm my size cannot support a full time researcher or subscriptions in the numerous journals and loose leaf publications. The TLA allows my firm to provide excellent (and cost effective) services to our clients.	